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REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 4
January 21, 2000

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number:
310.280 Proposed Action:
Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the annual salary for the Public Service Administrator position is being increased from \$74,508 to \$79,728 at the request of the Department of Commerce and Community Affairs.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amend	23 Ill. Reg. 11750
310.270	Amend	23 Ill. Reg. 11750
310-Appendix A Table AA	Amend	23 Ill. Reg. 11750
310.280	Amend	23 Ill. Reg. 13285

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2000
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
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310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Broad-Band Pay Range Classes
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
310.520	Implementation
310.530	Annual Merit Increase Guidechart for Fiscal Year 2000
310.540	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.550	

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Table	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-216 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #360)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IPFE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
TABLE Q	RC-033 (Meat Inspectors, IPFE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
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TABLE T	HR-010 (Teachers of Deaf, IPT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1588; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10633, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective August 26, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17165, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 19, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 11 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12867, effective July 24, 1989; amended at 13 Ill. Reg. 16550, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 21, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8329, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 13, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5345, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 11, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 8195, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; for a maximum of 150 days; amended effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19434, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19443, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7085, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 816, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 21, 1999; amended at 23 Ill. Reg. 12604, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II
(Pos. No. 12932-42-35-110-10-02) Annual Salary
54,048

Private Secretary II
(Pos. No. 34202-42-00-000-01-02) Annual Salary
48,492

Public Information Officer IV
(Pos. No. 37004-42-00-005-10-01) Annual Salary
59,184

Public Service Administrator
(Pos. No. 37015-42-35-140-20-01) Annual Salary
\$79,728 ~~74,588~~

Department of Insurance

Senior Public Service Administrator
(Pos. No. 40070-14-00-000-00-06) Annual Salary
100,992

Department of Human Services

Medical Administrator I, Option D
(Pos. No. 26401-10-79-006-00-21) Annual Salary
142,368

Public Service Administrator
(Pos. No. 37015-10-23-100-30-01) Annual Salary
70,464

Senior Public Service Administrator
(Pos. No. 40070-10-81-920-00-21) Annual Salary
105,480

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01) Annual Salary
50,520

Department of State Police

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary
109,358

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Foster Parent Code
 2) Code Citation: 89 Ill. Adm. Code 340

Section Numbers:	Proposed Actions:
340.10	New
340.20	New
340.30	New
340.40	New
340.50	New
340.60	New
340.70	New
340.80	New
340.90	New
340.100	New
340.110	New
340.120	New
340.130	New
Appendix A	New
Appendix B	New

- 4) Statutory Authority: Foster Parent Law [20 ILCS 520]

- 5) A Complete Description of the Subjects and Issues Involved: Part 340 prescribes the requirements for the annual plans for implementing the Foster Parent law. This Part also establishes the process for the approval and monitoring of the annual plans.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Sue Howell
 Office of Child and Family Policy
 Department of Children and Family Services
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects small businesses that are licensed as child welfare agencies by the Department.

B) Reporting, bookkeeping or other procedures required for compliance: There are no additional bookkeeping requirements associated with these amendments.

C) Types of professional skills necessary for compliance: No additional professionals skills are required as a result of these proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed rulemaking begins on the next page.

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 340
 FOSTER PARENT CODE

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section

340.10 Purpose
 340.20 Definitions
 340.30 Introduction

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SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

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SUBPART E: SEVERABILITY OF THIS PART

340.130 Severability of this Part

Appendix A Outline and Minimum Requirements for Foster Parent Law Annual Plan
 Appendix B Rating Components for Foster Parent Law Implementation Plans

AUTHORITY: Implementing and authorized by the Foster Parent Law [20 ILCS 520].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section 340.10 Purpose

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The purpose of this Part is to prescribe the requirements for the annual plans for implementing the Foster Parent Law [20 ILCS 520]. This Part also establishes the process for the approval and monitoring of the annual plans.

Section 340.20 Definitions

"Advisory Council" means the Statewide Foster Care Advisory Council established in accordance with the Statewide Foster Care Advisory Council Law [20 ILCS 525].

"Annual plan" means a plan developed to implement the requirements of the Foster Parent Law [20 ILCS 520].

"Child welfare team" means the persons who provide child welfare services to a child under Section 5 of the Children and Family Services Act [20 ILCS 505]. Persons on the child welfare team include the child welfare worker, the child welfare supervisor, licensed foster parents, and other providers identified in the client service plan.

"Department" means the Department of Children and Family Services.

"Director" means the Director of the Department of Children and Family Services.

"Foster parent" means a person who is licensed as a foster parent under the Child Care Act of 1969 [225 ILCS 10].

"Foster parent grievance procedure" means a procedure established by the Department or purchase of service agency to respond to and resolve foster parent complaints regarding violations of the Foster Parent Law that are not appealable under 89 Ill. Adm. Code 337 (Service Appeal Process).

"Purchase of service agency" means a licensed child welfare agency under contract with the Department to provide foster care services and to supervise licensed foster parents.

Section 340.30 Introduction

The Foster Parent Law [20 ILCS 520] establishes public policy regarding the rights and responsibilities of foster parents as an essential part of the child welfare team. The Department and purchase of service agencies are responsible for developing annual plans for implementation of the law to insure that foster parents are provided with the information and support to fulfill their responsibility to fully participate as a member of the child welfare team.

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

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Section 340.40 Foster Parent Rights

A foster parent's rights include, but are not limited to, the following:

- a) The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.
- b) The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.
- c) The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.
- d) The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.
- e) The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.
- f) The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.
- g) The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.
- h) The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.
- i) The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to

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the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

- j) The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.
- k) The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.
- l) The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.
- m) The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act. [20 ILCS 520/1-15]

Section 340.50 Foster Parent Responsibilities

- A foster parent's responsibilities include, but are not limited to, the following:
- a) The responsibility to openly communicate and share information about the child with other members of the child welfare team.
 - b) The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.
 - c) The responsibility to advocate for children in the foster parent's care.
 - d) The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.
 - e) The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.

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- f) The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.
- g) The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.
- h) The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.
- i) The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.
- j) The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.
- k) The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.
- l) The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.
- m) The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.
- n) The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.
- o) The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.
- p) The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues. [20 ILCS 520/1-20]

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SUBPART C: REQUIREMENTS FOR FOSTER PARENT ANNUAL PLAN

Section 340.60 Content

- a) Each Department region and each purchase of service agency shall prepare an annual plan for implementing the Foster Parent Law [20 ILCS 520].
- b) The annual plan shall indicate how the Department region or purchase of service agency will address each of the foster parent rights and responsibilities in Sections 340.40 and 340.50.
- c) The annual plan shall be developed with input from foster parents supervised by the Department region or purchase of service agency. The process for input shall be documented in the annual plan.
- d) The annual plan shall summarize the public and foster parent comment on the annual plan and how the Department region or purchase of service agency responded to the comments received.
- e) A purchase of service agency serving several parts of the State may submit a single annual plan if it includes documentation of foster parent involvement from each region and material that addresses the uniqueness of the programs and needs in the respective geographic regions.
- f) Plans submitted shall address deficiencies noted by the Advisory Council in the prior annual plan.
- g) Plans shall address implementation deficiencies related to foster parent rights and responsibilities noted in agency performance team compliance reports or reports from the Division of Quality Assurance.
- h) The annual plan shall describe the agency's foster parent grievance procedures for addressing foster parent complaints regarding violations of the Foster Parent Law in accordance with Section 340.70. The procedures shall be developed with input from foster parents.

Section 340.70 Resolution of Foster Parent Grievances

- a) Each Department region and purchase of service agency shall have a procedure for addressing foster parent grievances on violations of the Foster Parent Law that are not covered by any existing appeal or grievance process.
 - 1) The procedure shall be developed with input from foster parents.
 - 2) The procedure shall provide that a decision on the grievance shall be made no later than 30 calendar days after the grievance was filed.
 - 3) The procedure shall identify the process for a foster parent to file a grievance.
- b) Each Department region and purchase of service agency shall develop and implement a process to notify foster parents of the procedure.
- c) Nothing in this Section shall abridge the appeal rights under 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings) or 89 Ill. Adm. Code 337 (Service Appeal Process).

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Section 340.80 Public Review

- a) Prior to submission of the annual plan to the Department, all foster parents supervised by the Department region or a purchase of service agency shall be notified of the availability of the proposed annual plan, how to receive copies of the proposed plan, and where to submit comments on the proposed plan. Comments from foster parents and the general public shall be accepted for at least 30 days following the notice of availability. Notification may be by letter or through the Department or agency newsletter.
- b) The Department region or purchase of service agency shall make copies of its proposed annual plan available to persons upon request.

Section 340.90 Annual Plan Submission

- a) The Department regions and purchase of service agencies shall submit an annual plan no later than November 30 of each year to the Department's Division of Foster Care and Permanency Services.
- b) A minimum of two copies of the plan shall be submitted.

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

Section 340.100 Review and Approval Process

- a) The Department shall insure that appropriate staff are available to assist the Advisory Council in coordinating and conducting the evaluation of the Foster Parent Law implementation plans.
- b) The Department shall conduct an annual training, before any plans are scored, for Advisory Council members about how to score plans.
- c) The Advisory Council shall review annual plans within 90 days after submission.
- d) Annual plans with an average rating of the three scores of 75 or more points on the rating scale will be recommended for acceptance by the Advisory Council.
- e) The Advisory Council shall vote to accept or reject each annual plan. Approval or rejection will be determined by a majority of members of the Advisory Council present at the time of voting.
- f) Annual plans that are not accepted will be returned to the Department region or purchase of service agency with an explanation of deficiencies and a request for a revised plan to be submitted to the Department's Division of Foster Care and Permanency Services within 30 calendar days. The revised plans will be given to the Advisory Council for review.
- g) Annual plans that are determined acceptable will result in a letter being sent to the Department region or purchase of service agency with a list of strengths as determined by the Advisory Council and suggestions for improvement, if any.

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Section 340.110 Monitoring

- a) Implementation of annual plans shall be monitored by the Advisory Council, as necessary, through information and indicators provided by the Department, such as:
 - 1) Written monthly reports from agency performance teams; and
 - 2) Reports containing information that is germane to the agency's plan from other Department units, such as the Division of Quality Assurance and the Advocacy Office for Children and Families.
- b) A copy of all information that is given to the Advisory Council about a particular purchase of service agency shall also be given to the purchase of service agency.
- c) Complaints received by the Advisory Council will be referred to the appropriate Department unit, such as Licensing, the Advocacy Office for Children and Families, or the agency performance team.

Section 340.120 Reporting

- a) Department regions and purchase of service agencies who have not submitted an annual plan by January 1 of each year shall be considered delinquent.
 - 1) Purchase of service agencies shall be reported by the Advisory Council to the Deputy Director of the Division of Foster Care and Permanency Services, who shall report to the Office of Licensing and to the Director for violation of 89 Ill. Adm. Code 401.420(g) (Licensing Standards for Child Welfare Agencies).
 - 2) Department regions shall be reported by the Advisory Council to the Director and to the Office of Quality Assurance for violation of the Foster Parent Law (20 ILCS 520).
- b) The Advisory Council shall submit a report to the Director and to the Division of Purchase of Service Monitoring on the fifth of each month beginning in January of each year, detailing the annual plans that have been received, those that have been approved, and those that have been rejected; the monthly reports shall continue until all plans have been submitted and approved.
- c) The Advisory Council may recommend and the Director may take appropriate action up to and including refusal to issue a new contract or contract renewal for foster care services to an agency that has not submitted an annual plan, to agencies that fail to correct an unacceptable plan, and to agencies that fail to correct deficiencies in annual plan implementation.

SUBPART E: SEVERABILITY OF THIS PART

Section 340.130 Severability of this Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason

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whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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Section 340. APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual Plan

This Appendix lists the minimum requirements for the contents of the Foster Parent Law Annual Plan. These are presented in an outline that may be followed by Department regions and purchase of service agencies in development of the plan. Other formats are acceptable if the plan addresses each of the minimum requirements.

- I. How the agency is addressing each foster parent right in the Foster Parent Law
- II. How the agency is addressing each foster parent responsibility in the Foster Parent Law
- III. Documentation of foster parent input into the development of the annual plan
- IV. Foster parent notification
 - A. Documentation of notification to foster parents of availability of plan
 - B. Summary of foster parent comments
 - C. Summary of agency response to foster parent comments
- V. Summary of agency response to public comments

- VI. Explanation of how foster parents and other stakeholders are involved in developing and monitoring the implementation of the annual plan

- VII. Summary of what worked well and response to deficiencies from prior year's plan, if applicable

- VIII. Agency procedures for addressing foster parent grievances regarding violations of the Foster Parent Law and process for notifying foster parents of the availability of the grievance procedures

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Section 340 APPENDIX B Rating Components for Foster Parent Law Implementation Plans

The following identifies the rating components that will be used in evaluating the Foster Parent Law Implementation Plans. Rating components are indicated under each foster parent right and responsibility.

Unless otherwise noted, each component is worth one point. The narrative must describe how the agency or region does what each component requires in order to receive the point.

Foster Parent Rights (Explanation of how agency insures foster parent rights)

1. The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.

The agency or region has and implements strategies to ensure that its foster parents are treated with dignity and respect

Total - 5 points

2. The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

Minimum standardized pre-service training per 89 Ill.

Adm. Code 402 (Licensing Standards for Foster Family Homes)

PRIDE or other DCFS approved training

Co-training approach (foster parent/staff)

Regular utilization of mutual assessment tool for training needs

Training commensurate with levels of care provided

Evidence of ongoing training schedule or calendar

Total - 6 points

3. The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.

24 hour/7 day availability of emergency support

Established method for accessing support services (e.g.,

SASS, placement stabilization and staff phone numbers

and on-call schedules)

Total - 2 points

4. The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.

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Regular board payment (attached rate schedule)

Payment for additional services, such as respite care and camp

Timely assessment and payment commensurate with levels of care provided

Method of resolving payment problems

Total - 4 points

5. The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

Foster parent participation in development of the case plan

Timely notification of changes in case plan/permanency goal, including method of notification

Foster parent participation/input into

visitation/ communication plan

Total - 3 points

6. The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

Policy describing the agency's investigation of alleged

violations and demonstration of how the agency disseminates that information to foster parents

Person of foster parent's choosing present during the

investigation

Specified time frames for investigation as required by DCFS

rule

Procedure for appealing negative results/corrective action

plans

NOTE: Merely stating that DCFS procedure is followed is not sufficient.

Total - 4 points

7. The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is

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relative to the care of the child.

Caseworker training in all information to be disclosed
Description of how caseworkers are held accountable for
sharing the information
Total - 2 points

8. The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.

Foster parents notified and encouraged to participate in all meetings and staffings about foster children in their care
Foster parents informed of decisions made by agencies and courts

Foster parents encouraged to give input into case planning

and input is given full consideration

Foster parents encouraged to communicate with all child team members

Total - 4 points

9. The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

A description is given to foster parents at intake, and a prescribed method of disclosing information is utilized
Ongoing sharing of information that is pertinent to the well-being and health of the child
Total - 2 points

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10. The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.

14 day notice (not applicable for movements involving imminent risk)

Notice in writing

Appeal, including emergency review process, is given to foster parent

Total - 3 points

11. The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

Method for notifying foster parents of hearings and their right to be heard

Description of how caseworkers are held accountable for notifying foster parents

Total - 2 points

12. The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be reentered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.

Method for checking past placement records, when possible
Process for determining best interest regarding placement decision

Total - 2 points

13. The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

Documentation that an internal appeals system has been established and description of how it prohibits retaliation
Process for accessing the external DCFS appeals system, when necessary

Total - 2 points

14. The right to be informed of the Foster Parent Hotline established

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under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.

Training/brochures available on the Foster Parent Hotline and the Office of the Inspector General

Total - 1 point

Foster Parent Responsibilities (Explanation of how agency makes foster parents aware of and helps to achieve or meet their responsibilities)

1. The responsibility to openly communicate and share information about the child with other members of the child welfare team.

Training on type and importance

Total - 1 point

2. The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.

Initial and ongoing training on importance of confidentiality
Laws and regulations available to foster parents

Total - 2 points

3. The responsibility to advocate for children in the foster parent's care.

Educational advocacy training available

Court training available

Service appeal brochures and training available

Encouragement to participate in staffings, ACRs, PRTs, case conferences and court hearings

Total - 4 points

4. The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.

Initial and ongoing training on this topic

Monitoring by staff charged with case management

Total - 4 points

5. The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster

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parent's own support needs and utilize appropriate supports in providing care for foster children.

Ongoing mutual assessment method

Training based on assessments

Placements based on strengths

Support needs addressed

Total - 4 points

6. The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.

Affiliations with foster parent associations are encouraged and facilitated

Internal support groups encouraged, and information provided to foster parents

Total - 2 points

7. The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.

Method and tool for assessing general training needs of foster parents

Process for providing for identified needs

Total - 2 points

8. The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.

Method of early identification of children at risk of disrupting or creating disruption in the family

Support for foster children and family members if preventive strategies fail

Training in purpose and availability of stabilization

services

Total - 3 points

9. The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.

Training/methods to recognize and minimize stress factors

Respite

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available

"Voluntary hold" methods explained and understood
Counseling and other supports available

Total - 4 points

10. The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.

Foster parents informed of events/activities that acknowledge and support foster parents and participation is encouraged
training in the public relations aspect of foster parenting
is made available

Total - 2 points

11. The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.

Training and co-training with staff is required

Regular meetings with other team members are held and encouraged

Foster parents have a recognized voice within the agency's management organization (3 points)

Total - 5 points

12. The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.

Training, initial and ongoing, including SACV reporting responsibility

Written foster parent acknowledgment/contract

Training involving allegations against foster parents and the applicable rules and regulations that govern the investigation of the allegations

Total - 3 points

13. The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing of the requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.

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Training on the importance of participating

Emphasis on foster parents taking an active role in planning for permanency goal through court hearings, ACRS, etc.

Total - 2 points

14. The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.

Awareness of agency's internal appeal systems and utilization
Rights of foster parents spelled out
Total - 2 points

15. The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the responsibility to be aware of and follow the procedures and regulations of the child welfare agency with which the foster parent is licensed or affiliated.

Training provided on importance of complete records
Regulations/expectations are available in writing

Agency provides folder, notebook, or case record for the storage and/or transportation of foster parent records

Total - 3 points

16. The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.

Training on this expectation is offered

Total - 1 point

17. The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues.

Training encouraged and made available, both initial and ongoing

Internal and external resources made accessible or available
Total - 2 points

Other Scoring Components

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1. The plan contains a description of an inclusive and representative process for involving foster parents in developing the plan - 2 points
2. The plan describes how agency case managers were involved - 2 points
3. The plan contains names of foster parents who had input into the plan - 2 points
4. The plan contains sign-off approval from foster parents - 2 points
5. The public notification requirement was met - 2 points
6. Previously identified deficiencies were addressed - 2 points
7. The plan related grievance procedure has been established with input from agency foster parents, and the plan is operational - 2 points
8. Foster parents are notified of the availability of the grievance process - 2 points

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Non-Federal Grant Funds
- 2) Code Citation: 20 Ill. Adm. Code 1560
- 3) Section Numbers:

1560.10	<u>Proposed Action:</u>
1560.20	Amendment
1560.31	New Section
1560.40	Amendment
1560.50	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].
- 5) A Complete Description of the Subjects and Issues Involved: Delineates operating procedures for the administration of general revenue funds to implement the Sexual Assault Nurse Examiner (SANE) pilot program, including SANE pilot projects geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 45 days following publication of this notice to:

Kristi J. Kangas, Legal Advisor
 Illinois Criminal Justice Information Authority
 120 S. Riverside Plaza
 Chicago, Illinois 60606-3997
 (312) 793-8550 (Voice)
 (312) 793-4170 (TDD)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The rulemaking may affect hospitals in that they may be recipients of SANE funds for the development of SANE pilot projects in hospital emergency rooms geographically distributed throughout the State.
- B) Reporting, bookkeeping or other procedures required for compliance: Hospitals receiving general revenue funds will be subject to provisions concerning reporting, bookkeeping and other procedures that apply to recipients of such funds.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments is identical to the text of the emergency amendments appearing in this *Illinois Register* on page **1284**.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:
113.253 Amendment
113.260 Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/Art. III and 12-13].

5) A Complete Description of the Subjects and Issues involved: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with Federal regulations, this rulemaking increases the grant adjustment and sheltered care rate amounts by the amount of the January 2000 increase in Social Security and SSI benefits to ensure that the cost of living increase is passed on to the recipient.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
113.112	Amendment	23 Ill. Reg. 12019
113.141	Amendment	23 Ill. Reg. 13205

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

DEPARTMENT OF HUMAN SERVICES

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113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.119 Exempt Earned Income
 113.120 Recognized Employment Expenses
 113.125 Income From Work/Study/Training Programs
 113.130 Earned Income from Self-Employment
 113.131 Earned Income from Roomer and Boarder
 113.132 Earned Income from Rental Property
 113.133 Earned Income in-Kind
 113.134 Payments from the Illinois Department of Children and Family Services
 113.139 Assets
 113.140 Exempt Assets
 113.141 Asset Disregard
 113.142 Deferral of Consideration of Assets
 113.143 Property Transfers For Applications Filed Prior To October 1, 1989
 113.154 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance Amounts
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care/Personal or Nursing Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

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113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
 SUBPART E: OTHER PROVISIONS
 Persons Who May Be Included In the Assistance Unit
 Grandfathered Cases
 113.300 Interim Assistance (Repealed)
 113.301 Special Needs Authorizations
 113.302 Retrospective Budgeting
 113.303 Budgeting Schedule
 113.304 Purchase and Repair of Household Furniture (Repealed)
 113.305 Property Repairs and Maintenance
 113.306 Excess Shelter Allowance
 113.307 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
 113.308 Redeetermination of Eligibility
 113.309 Attorney's Fees for VA Appellants (Repealed)
 113.320
 113.330

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for all Interim Assistance Cases (Repealed)
 113.430 Payment levels for Chicago Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

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P. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 3 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; at 4 Ill. Reg. 12, P. 531, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 4 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195, amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended

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NOTICE OF PROPOSED AMENDMENTS

at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895, amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; effective July 9, 1985; amended at 9 Ill. Reg. 11036, effective July 9, 1985; amended at 9 Ill. Reg. 11391, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 13, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 13, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9819, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 1, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 20, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.

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3469, effective February 20, 1992; amended at 16 Ill. Reg. 9886, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recorded from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1996; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1996, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1996; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1996, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- An allowance for \$333.90 §921-99 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized for individuals receiving Interim Assistance or residing in long term group care facilities do not

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NOTICE OF PROPOSED AMENDMENTS

receive any "grant adjustment".

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 113.260 Sheltered Care/personal or Nursing Care Rates

Group A # Counties	Needs Assessment	Group B # Counties
\$ 821.55 718-55	0-7	\$ 833.55 730-55
826.55 723-55	8	839.55 736-55
831.55 728-55	9	845.55 742-55
836.55 733-55	10	851.55 748-55
841.55 738-55	11	857.55 754-55
846.55 743-55	12	863.55 760-55
851.55 748-55	13	869.55 766-55
856.55 753-55	14	875.55 772-55
861.55 758-55	15	881.55 778-55
866.55 763-55	16	887.55 784-55
871.55 768-55	17	893.55 790-55
876.55 773-55	18	899.55 796-55
881.55 778-55	19	905.55 802-55
886.55 783-55	20	911.55 808-55
891.55 788-55	21	917.55 814-55
896.55 793-55	22	923.55 820-55
901.55 798-55	23	929.55 826-55
906.55 803-55	24	935.55 832-55

a) Group A # Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group B # Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 300
- 3)

Section Numbers:	Proposed Action:
300.10	Amended
300.20	Amended
300.30	Amended
300.40	Amended
300.50	Amended
300.80	Amended
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (40 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), and authorized by the Civil Administrative Code of Illinois (20 ILCS 5/16).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends this Part to include the grievance procedures for qualified persons with disabilities covered by Section 504 of the federal Rehabilitation Act. This rulemaking replaces 59 Ill. Adm. Code 111.10, which is being repealed in a separate action.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary form compliance: None
 - 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated when the July 1999 Regulatory Agenda was developed.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 4: GRIEVANCE PROCEDURES

CHAPTER IX: DEPARTMENT OF HUMAN SERVICES

PART 300

AMERICANS WITH DISABILITIES ACT AND SECTION 504 GRIEVANCE PROCEDURE

Section	Purpose
300.10	Definitions
300.20	Procedures
300.30	ADA/504 Coordinator Review
300.40	Secretary Review
300.50	Accessibility
300.60	Case-by-case Resolution
300.70	ADA/504 Notice
300.80	

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 16 Ill. Reg. 15102, effective September 21, 1992; reconfirmed from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9324; old Part repealed at 23 Ill. Reg. 3971, and new Part adopted at 23 Ill. Reg. 3973, effective March 19, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 300.10 Purpose

- a) This Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990, 42 USC 12101 et seq., and specifically 28 CFR 35.107, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities concerning programs, services or activities provided by DHS. This procedure also is established to resolve grievances pursuant to Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), and Federal rules. Should any individual desire to review the ADA or Section 504 or the its regulations to understand the rights, privileges and remedies afforded by it, the ADA/504 Coordinator shall provide such information.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Department of Human Services (DHS), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities. Specifically, Title II of the ADA states that no otherwise qualified disabled individual shall solely by reason of such disability be excluded from participation in the benefits of or subjected to discrimination in programs, services,

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or activities sponsored by the Department.

- c) Section 504 requires that no otherwise qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity that receives or benefits from federal financial assistance. Federal financial assistance means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the federal government provides or otherwise makes available assistance in the form of funds, services, or federal personnel or real or personal property.
- d) It is the intention of DHS to foster open communication with all individuals requesting readily accessible programs, services and activities. DHS encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 300.20 Definitions

- a) Complainant
A "Complainant" is an individual with a disability who files a grievance form provided by DHS under this Procedure.
- b) ADA/504 Coordinator
The "ADA/504 Coordinator" is the person designated by the DHS Secretary who is responsible for the coordination of efforts of DHS to comply with and carry out its responsibilities under Titles I and II of the ADA and Section 504, including investigation of grievances filed by complainants. The ADA/504 Coordinator may be contacted at:
DHS ADA/504 Coordinator
Chief, Bureau of Accessibility & Workplace Safety
401 S. Clinton, 7th Floor
Chicago IL 60607
- c) Grievance
A "Grievance" is any complaint under the ADA by an individual or individuals with a disability, or by an individual or entity who has a known relationship or association with an individual with a disability, who:
 - 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by DHS, and
 - 2) believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of DHS or has been subject to discrimination by DHS.
- d) Disability
"Disability" means a physical or mental impairment that substantially

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limits one or more of the major life activities of an individual, record of such impairment, or being regarded as having such an impairment.

- e) Qualified Individual with a Disability
"Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communications or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 300.30 Procedures

- a) DHS shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and a grievance form.
b) Grievances must be submitted through the process described below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this Procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the Complainant and the ADA/504 Coordinator and Final Review by the Secretary.
c) A Complainant's failure to submit or appeal a grievance to the next level of procedure within the specified time limits shall mean that the Complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as DHS' last response.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 300.40 ADA/504 Coordinator Review

- a) If an individual desires to file a formal written grievance under this Part, the individual shall promptly, but no later than 30 days after the alleged discrimination, submit the grievance to the ADA/504 Coordinator in writing on the grievance form prescribed for that purpose. The grievance form must be completed in full in order to receive proper consideration by the ADA/504 Coordinator.
b) The grievance form shall include:

- 1) The Complainant's name, and if applicable, address and telephone number;
- 2) the best means and time for contacting the Complainant;
- 3) the program, activity or service that was denied Complainant or

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- in which alleged discrimination occurred;
4) the date and nature of the alleged denial or discrimination;
5) the signature of the Complainant, or his/her authorized designee.
c) Upon request, assistance shall be provided by DHS to complete the grievance form.

- d) The ADA/504 Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA/504 Coordinator shall provide a written response to the Complainant within 45 business days after receipt of the grievance form.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 300.50 Secretary Review

- a) If after receipt of the ADA/504 Coordinator's written response the grievance has not been resolved at the ADA/504 Coordinator level to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form Grievance--Form and ADA/504 Coordinator's response to the Secretary of DHS for final review. The Complainant shall submit these documents to the Secretary, together with a short written statement explaining the reason(s) for dissatisfaction with the ADA/504 Coordinator's written response, within 10 business days after receipt by the Complainant of the ADA/504 Coordinator's response.

- b) The Secretary shall appoint a person(s) to review the grievance.

- c) The Complainant shall be afforded an opportunity to appear before the Secretary's appointee. Complainant shall have the right to appoint a representative to appear on his/her behalf. The Secretary's appointees shall review the ADA/504 Coordinator's written response and may conduct interviews and seek advice as he/she deems appropriate.

- d) Within 45 days after receipt of the Complainant's written response, the appointees shall make recommendations in writing to the Secretary as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations. A dissenting appointee may make a recommendation.
The Secretary shall also sign such recommendation.

- e) Within 45 days after receipt of recommendations from the appointees, the Secretary shall approve, disapprove or modify the recommendations, shall render a written decision stating the basis therefor, and shall cause a copy of the decision to be served on the parties. The Secretary's decision shall be final.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 300.80 ADA/504 Notice

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A public notice shall be posted informing applicants, participants, beneficiaries and other interested persons of DHS' compliance with the Americans With Disabilities Act and, as appropriate, the provisions of Section 504 of the Rehabilitation Act as applicable to the services, programs, or activities of the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3) Section Numbers: Proposed Action:
 10-220 New Section
 10-225 New Section
 10-230 New Section
 10-235 New Section
 10-250 New Section
 10-263 New Section
 10-268 New Section
 10-283 New Section
 10-410 New Section

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A. Complete Description of the Subjects and Issues involved: This rulemaking adds to Department of Human Services' (DHS) rules provisions from the current rules of the Department of Public Aid (DPA) which need to be utilized by both agencies. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the DPA provisions from which the DHS provisions have been taken. This rulemaking also adds provisions for the reporting of elder abuse/neglect into the Section on client's rights.

Subpart B (Rights and Responsibilities) includes the following Sections taken from current provisions of the Department of Public Aid rules at 89 Ill. Adm. Code 102.

New DHS Rules	Source in DPA Rules
10-220	102-20
10-225	102-25
10-230	102-30
10-235	102-35
10-250	102-50
10-263	102-63
10-268	None
10-283	102-83

Subpart C (Application Process) includes the following Section taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

New DHS Rules	Source in DPA Rules
10-410	110-10

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- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10

GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.240	Reporting Change of Circumstances
10.250	Reporting Child Abuse/Neglect
10.263	Reporting Elder Abuse/Neglect
10.268	Notice to Client
10.270	Right to Appeal
10.280	Continuation of Assistance Pending Appeal
10.281	Time Limit for Filing an Appeal
10.282	Examining Department Records
10.283	Child Care
10.284	Voluntary Repayment of Assistance
10.290	Correction of Underpayments
10.295	Recovery of Assistance
10.300	Estate Claims
10.310	Real Property Liens
10.320	Filing and Renewal of Liens
10.330	Foreclosure of Liens
10.340	Release of Liens
10.350	Personal Injury Claims
10.360	Convictions of Fraud Eligibility
10.370	Single Conviction of Fraud - Administrative Review Board
10.380	

SUBPART C: APPLICATION PROCESS

Section	
10.410	Application for Assistance
10.415	Local Office Action on Application for Public Assistance

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- 10-420 Time Limitations on the Disposition of an Application
 10-430 Approval of an Application and Initial Authorization of Financial Assistance
 10-438 General Assistance Approval Provisions
 10-440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10-220 Nondiscrimination

- a) No individual participating in any program or activity shall be discriminated against because of race, color, religious belief, political affiliation, sex, national origin or handicap.
- b) No direct payment for goods and services provided shall be made to any agency, institution, organization or individual vendor that initiates or continues prohibited discriminatory practices.
- c) Information regarding the Department's nondiscrimination policy shall be made available to all applicants at the time of application, all recipients upon request, all vendors receiving direct payment from the Department and all other interested parties as necessary.
- d) Any aggrieved person may file a written complaint of alleged discriminatory conditions or practices encountered in the Department's programs and activities.
- e) No individual or household applying for or participating in the food stamp program administered by the Department shall be discriminated against because of age, race, color, sex, handicap, religious creed, national origin, or political beliefs. The individual/household is not to be discriminated against in any aspect of program administration, including but not limited to the certification of household, the issuance of benefits, the conduct of fair or fraud hearings, or the conduct of any other program service.
- f) Individuals who believe that they have been subject to discrimination, as described in subsection (e) of this Section, may file a written complaint. When an individual expresses an interest in filing a discrimination complaint, the Department is to:
- explain the United States Department of Agriculture (USDA) complaint procedures (the procedure is outlined in 7 CFR 272.6(c)); and

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- B) explain the Department's complaint procedure; and
 C) advise the individual of the right to file a complaint in either or both the USDA and/or Department complaint systems.
- 2) Information regarding the Department's nondiscrimination policy is to be made available to all households at the time of application, to any household upon request, and to all other interested parties as necessary.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 10-225 Grievance Rights of Clients

- a) When clients believe that they have not been treated with courtesy, consideration or respect by a Department employee, they or their representative may file a written grievance. The client may file a written grievance in any Department office, even if the grievance is against a staff person not working in that office.
- b) The Department will investigate any written grievance that is filed within 60 days after the grievance occurrence. A client grievance filed more than 60 days after the grievance occurrence will not be investigated by the Department.
- c) Responsibility for Handling a Grievance
- When the client is in the local office and files a grievance against a local office staff person, the intermediary will handle the grievance.
 - When the client is in the local office and files a grievance against the local office administrator, the local office administrator or designee will accept the grievance and notify the next higher level supervisor.
 - When the client is in the local office and files a grievance against other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary.
 - When the client is in any other Department office and files a grievance against a local office staff person or other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary within 48 hours.
- d) Intermediary
- An intermediary is a designated staff person who investigates and decides the merits of a client grievance. If necessary, the intermediary decides about disciplinary action.
 - For local office personnel, the intermediary is:
 - the local office administrator;
 - a management person designated by the local office administrator; or
 - the next higher level supervisor if the grievance is filed against the local office administrator.
 - For other agency personnel, the intermediary is:

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- A) the bureau chief of the employee against whom the grievance has been filed; or
 B) a management person designated by the bureau chief.

e) Investigation and Conference

- 1) The intermediary registers all grievances in a log. The information on the log contains:

- A) the name of the grievant;
 B) the name of the worker or workers against whom the grievance is directed;
 C) the person who heard the grievance, if a hearing was held;
 D) the issues or issues involved; and
 E) the resolution of the grievance and any appropriate effective dates.

- 2) The intermediary will investigate the grievance. If necessary, the intermediary will determine the merits of the grievance and any disciplinary action that may be indicated.

- 3) When the intermediary determines that the investigation indicates a need for action, the intermediary will send a copy of the grievance to the employee against whom the grievance was filed. Within ten days after the receipt of the grievance, the intermediary will arrange a conference between:

- A) the client who filed the grievance;
 B) the representative of the client who filed the grievance, if any;
 C) the employee against whom the grievance was filed;
 D) a representative designated by the employee, if any (For a bargaining unit employee, a representative of the bargaining unit may be the representative.); and
 E) the intermediary.

- 4) The representative of the employee is allowed to:

- A) be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and
 B) be present to make sure a non-bargaining unit employee's rights under the rules of the Department of Central Management Services (80 Ill. Adm. Code 310) are not violated.

- 5) The meeting to hear a client's grievance is an informal conference controlled by the intermediary to obtain information from the client and the employee in order to determine the facts about the issue.

- 6) Within 15 calendar days after the conference, the intermediary will advise the client who filed the grievance, in writing, of any action being taken. The client will not be informed of disciplinary action taken against Department staff.

- E) The Department will take corrective action when just cause is shown. The corrective action must be in accordance with the Agreements between the State of Illinois and the American Federation of State,

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County and Municipal Employees or rules of the Department of Central Management Services (80 Ill. Adm. Code 302: Subpart K), whichever is applicable.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.230 Confidentiality of Case Information

- a) For the protection of clients, any information about a client or case is confidential and shall be used only for purposes directly related to the administration of the assistance programs. The following shall be considered as included in the administration of the programs:

- 1) the establishment of a client's initial or continuing eligibility for public assistance;
 - 2) the establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and
 - 3) the establishment of procedures assuring the health and safety of the client.
- b) Use of information for commercial, personal, or political purposes is specifically prohibited.
- c) Local office staff shall inform all agencies and governmental departments to whom information is furnished that this material is confidential and must be so considered by the agency or governmental department.

- d) The current address of clients who are fugitive felons or probation/parole violators shall be disclosed to State and local law enforcement officers without client consent. For cash assistance, a fugitive felon is a person fleeing to avoid prosecution, to avoid giving testimony, or to avoid incarceration as a result of his or her involvement in a felony case. For food stamps, a fugitive felon is a person fleeing to avoid prosecution or to avoid incarceration as a result of his or her involvement in a felony case. A person who has escaped from a correctional facility is a fugitive felon. The current address of clients shall be disclosed only to properly identified (i.e., law enforcement badge and/or identification card) State and local law enforcement officers who:

- 1) provide the Department with the name and social security number of the client; and
 - 2) satisfy the requirements of 45 CFR 205.50(a)(v)(A)-(C)(1984).
- The client shall not be advised of the disclosure of such information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.235 Case Records

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- a) The case record is a business record and shall constitute an official record of the Department concerning clients.
- b) A case record shall be established for each applicant and maintained for each recipient.
- c) The case record shall indicate the basis for approval or denial of the application.
- d) A case record shall be established and maintained for each applicant and participant in the food stamp program. A separate food stamp case record shall be maintained for each non-assistance household.
- 1) For assistance households, the food stamp record shall be maintained in an isolated section of the regular income maintenance case record.

2) The case record shall be documented to support eligibility, ineligibility and benefit level determination. When verification is needed to resolve questionable information, the case record shall indicate the reason the information was considered questionable and what documentation was used to resolve the questionable information. The case record shall also indicate the reason why an alternate source of verification was needed.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.250 Reporting Change of Circumstances**a) General**

It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first.

b) **ABDO**
When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within five working days after the change.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.263 Reporting Child Abuse/Neglect

- a) As mandated by the Abused and Neglected Child Reporting Act [22 ILCS], Department field staff are required to immediately report to the

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Department of Children and Family Services suspected abuse or neglect. A report is to be filed when there is reason to believe a child may be an abused or neglected child or when information is received that a child may be an abused or neglected child. Abuse or neglect, as defined by State law [Section 3 of the Abused and Neglected Child Reporting Act [22 ILCS 5/3]] and the rules and regulations of the Department of Children and Family Services [89 Ill. Adm. Code 302.1 Support B] is reportable.

- b) This reporting requirement applies to all Department staff. This includes income maintenance and any other staff who suspect that a child, with whom they have had contact in a working capacity, is an abused or neglected child.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.268 Reporting Elder Abuse/Neglect

- a) As mandated by the Elder Abuse and Neglect Act, Department staff, while engaged in carrying out their professional duties, are required to report the abuse, neglect or financial exploitation of any Illinois resident 60 years of age or older who lives in the community when the older person is unable to self-report. Elder abuse is defined in Section 2 of the Elder Abuse and Neglect Act [320 ILCS 20/2] as *causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.*

b) Elder abuse must be reported, within 24 hours, to the Department on Aging's Elder Abuse and Neglect program.

- c) This reporting requirement applies to all Department staff who suspect that an older person, with whom they have had contact in a working capacity, is an abused elder.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 10.283 Examining Department Records

At any time during the regular office hours of the Department, the Department shall permit a client (as defined at Section 10.102) and/or a client's authorized representative to examine the client's case records in the presence of a Department employee and to obtain copies of such case record materials upon payment of a charge for reproduction.

(Source: Added at 24 Ill. Reg. _____, effective _____)

SUBPART C: APPLICATION PROCESS

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Section 10.410 Application for Assistance

- a) An application is a signed request for assistance on a Department of Human Services (Department) form which has been completed to the best of the client's knowledge and ability.
- b) The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
- c) The application must be signed by the applicant with the following exceptions:
 - 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
 - 3) When application is made in behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date of application.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

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Heading of the Part: Recipient Rights

Code Citation: 59 Ill. Adm. Code 111

Section Numbers: 111.10
Proposed Action: Repeal

- 4) Statutory Authority: Section 111.10 implementing 29 USC 794 (1995) NS 45 CFR 84 (1994); Section 111.20 implementing Americans With Disabilities Act (42 USC 12101 et seq.) Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [410 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues involved: The rulemaking repeals this Section. In another rulemaking the Department of Human Services is amending its current rule on the Americans With Disabilities Act Grievance Procedures to include Section 504 of the Rehabilitation Act. That rulemaking is 4 Ill. Adm. Code 300.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Harris Avenue East
3rd Floor Harris Bldg.

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Springfield IL 62762

Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: This rulemaking was not anticipated at the time the July 1999 Regulatory Agenda was being developed.

The full text of the Proposed Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART III

RECIPIENT RIGHTS

Section

111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 USCA 6-6-A-701 et seq., 1982) (Repealed)

111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication

111.25 Services to individuals in Department facilities who are non-English or limited-English speaking

111.30 Voter registration for service applicants (Repealed)

AUTHORITY: Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing the Americans With Disabilities Act (42 USC 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 19739g (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 12, 1996; amended at 20 Ill. Reg. 5520, effective March 29, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; amended at 21 Ill. Reg. 15579, effective November 25, 1997; amended at 24 Ill. Reg. 7496, effective June 17, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 USCA 6-6-A-701 et seq., 1982) (Repealed)

a) Policy

The policy of the Department of Mental Health and Developmental Disabilities (the Department) is to fully implement and comply with Section 504 of the Rehabilitation Act of 1973 (the Act). Section 504 provides in part, that no otherwise qualified handicapped individual in the United States as defined in Section 106(7) (29 U.S.C. 1067 1982) shall be excluded from the

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participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Section 504 establishes an administrative procedure for the filing and resolution of complaints by recipients of Department services alleging violation of Section 504.

b) Section 504 complaint procedure

i) Filing of complaints

A) Any recipient of services from a mental health or developmental disabilities facility operated by the Department may file a complaint under Section 504 if he or she believes that he or she has been excluded from participation in, has been denied the benefits of, or has been subjected to discrimination solely on the basis of handicap under any program or activity of the Department receiving federal financial assistance.

B) A legally competent adult recipient of services, the legal guardian of a recipient of services under guardianship or the parents or legal guardian of a minor recipient of services, may file a complaint alleging noncompliance with Section 504 or any rules promulgated under Section 504 with respect to the recipient of services.

C) A written complaint must be filed with the facility director of a mental health or developmental disabilities facility operated by the Department within 30 days of the alleged discriminatory action. The complaint shall be made in writing on a form prescribed by the Department, which may be obtained from the facility director. The complaint shall state with specificity the nature and circumstances of the alleged discrimination. No action pursuant to this grievance process to resolve an allegation of noncompliance with Section 504 will be taken unless a complaint has been filed with the facility director as provided for in Section 504(b).

2) First level: Facility director's review

A) The facility director shall, within 5 working days of the receipt of a written complaint, convene a meeting to discuss the actions of the Department that are viewed as discriminatory. The facility director may appoint an employee to conduct the meeting and make recommendations to the facility director on the issues raised by the complaint. The facility director may not remove the employee appointed to conduct the meeting and make recommendations to the facility director during an on-going review without providing to the appointee a written rationale for removal.

B) The recipient and/or person who filed the complaint and any individual on his or her behalf with knowledge of the recipient's service needs or handicap may be present at the meeting and present any information that will assist in a

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determination of the recipient's appropriate mental health or developmental disabilities service needs. Self-familiar with the recipient (e.g., unit staff or specific program staff) and his or her service needs shall attend the meeting. The facility director shall assure that staff familiar with the recipient and his or her service needs attend the meeting.

C) The facility director shall reach a decision as to whether: i) the recipient has a handicapping condition;

ii) the condition has resulted in the recipient being excluded from participation in, being denied the benefits of, or being subjected to discrimination under any program;

iii) the program is receiving federal financial assistance; provided, in writing, to the person who filed the complaint not more than 5 working days following the meeting. This decision shall be based on information gathered at the meeting, the recommendations of the appointee and information obtained from the recipient and/or person who filed the complaint and from any individual with knowledge of the recipient's service needs or handicap present at the meeting. Remedial action is mandatory whenever the facility director determines that the conditions in (i), (ii) and (iii) above exist.

3) Second level: Regional administrator's review

A) The person who filed the complaint take an appeal from the decision of the facility director to the regional administrator of a geographical region under the operation of the Department. The appeal shall be made in writing within 10 working days from the receipt of the facility director's decision. Within 5 working days from the receipt of a letter of appeal, the regional administrator shall schedule a meeting to discuss the issues raised in the appeal. The regional administrator may appoint an employee to conduct the meeting and make recommendations to the regional administrator on the issues raised by the complaint. The regional administrator may not remove the employee appointed to conduct the meeting and make recommendations to the regional administrator without providing to the appointee a written rationale for removal. For example, an employee may be written rationale for removal of interest of bias or prejudice against one of the parties or other grounds that render the employee incapable of fairly and impartially conducting the meeting. Staff familiar with the recipient (e.g., unit staff or specific program staff) and his/her service needs shall attend the meeting.

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- 6) The regional administrator shall independently review the issues raised by the complainant and the appeal and shall reach a decision whether to uphold or amend the facility director's decision. This judgment shall be based upon information indicating whether the recipient has a handicapping condition that results in his or her being denied an opportunity to participate in or being denied the benefits of or being subjected to discrimination under any program or activity of the Department receiving federal financial assistance. A summary report of the information received at the meeting shall be made and maintained in the recipient's clinical record.
- 7) The regional administrator's decision shall be provided in writing to the person who filed the complaint not more than 5 working days following the meeting.
- 4) Third level: Director's review
- A) A further review of the regional administrator's decision may be secured by the person who filed the complaint by requesting such a review by the Director in writing within 10 working days from receipt of the regional administrator's decision.
- B) The review by the Director shall include a review of the recipient's clinical record, the decision of the facility director, the summary report and decision of the regional administrator, and any additional information that the Director in his or her discretion deems necessary or advisable (e.g., any documents submitted by the complainant to the facility director or regional administrator). The Director shall not be limited to the record made at the facility director or regional administrator's review.
- 6) The Director shall provide in writing to the person who filed the complaint a decision reflecting his or her review and disposition of the case within 20 working days from the receipt of the request for review.

5) Notice of recipients

Upon admission and at any other appropriate time, facility staff shall advise the recipient of his or her right to file a complaint under Section 504 of the Rehabilitation Act of 1973. Additionally, there shall be posted on each residential unit a statement of a recipient's rights under Section 504 and Section 1119(b). Facility staff shall assist the recipient in obtaining and submitting the complaint form.

6) Repealer

Section 111.10 supersedes the Department's Executive Order No. 92 entitled "Rehabilitation Act of 1973 Policy Statements," dated June 15, 1978, and replaces any and all inter-office correspondence or memoranda inconsistent with its provisions.

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(Source: Repealed at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
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- 1) Heading of the Part: Breast and Cervical Cancer Research Fund Rules
- 2) Code Citation: 77 Ill. Adm. Code 970
- 3) Section Numbers: Proposed Action:
970.10 Amend
970.30 Amend
- 4) Statutory Authority: Authorized by and implementing Section 55.70 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.70].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed to comply with Public Act 91-0107 which changed the name of the Breast and Cervical Cancer Research Fund to the Penny Sevens Breast and Cervical Cancer Research Fund and added the Susan G. Komen Foundation as a mandated member of the Advisory Committee. Replaces reference to the Illinois Purchasing Act to reflect its repeal.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
(e-mail: rules@idph.state.il.us)

These rules should not have a discernible impact on small businesses. Small businesses commenting on this rulemaking shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: None
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Date of regulatory agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 970

PENNY SEVERNS

BREAST AND CERVICAL CANCER RESEARCH FUND RULES

Section

- 970.10 Definitions
- 970.20 Eligibility
- 970.30 Application Procedures
- 970.40 Application Review Criteria
- 970.50 Application of Award
- 970.60 Award and Use of Grant Funds
- 970.70 Monitoring Criteria
- 970.80 Contract Expiration
- 970.90 Termination of the Grant Agreement or Funding
- 970.100 Denial, Suspension or Revocation of Grant Agreement
- 970.110 Procedures for Hearings

AUTHORITY: Implementing and authorized by Section 55.70 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.70].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 9549, effective June 10, 1994, for a maximum of 150 days; emergency expired on November 7, 1994; adopted at 18 Ill. Reg. 17919, effective December 5, 1994; amended at 24 Ill. Reg. _____, effective _____.

Section 970.10 Definitions

"Act" means Section 55.70 of the Civil Administrative Code of Illinois ~~as added by Public Act--88-85;--effective--July--14--1993~~ [20 ILCS 2310/55.70].

"Applicant" means any eligible physician, hospital, laboratory, education institution, other organization or person in Illinois whose intent is to conduct breast and cervical cancer research or to support a fellowship in the area of Breast and Cervical Cancer.

"Breast and Cervical Cancer Advisory Committee" means a committee chaired by the Director or his designee and composed of at least six additional members appointed by the Director, of which four ~~three~~ must be representatives of the State Board of Health, Y-Wee, Susan G. Komen Foundation, and American Cancer Society-Illinois Chapter, and the remaining individuals must be knowledgeable of either breast or cervical cancer or representative of an at-risk population. With the

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exception of the Chair, no appointee shall be an employee of the Department.

"Breast Cancer" means malignant tumor of the breast, characterized by uncontrolled, abnormally rapid division of cells that originate in the breast and surrounding tissue and may spread to other organs.

"Cervical Cancer" means malignant tumor of the narrow lower end or neck of the uterus (cervix) characterized by uncontrolled, abnormally rapid division of cells that originate in the cervix and surrounding tissue and may spread to other organs.

"Clinical Diagnosis" means the process of identifying a disease by its characteristic signs, symptoms and laboratory findings.

"Clinical Trial" means the testing of diagnostic, treatment, and prevention techniques by comparing results in patients randomly assigned to receive one of two or more techniques being tested.

"Cure" means the eradication of disease through removal of the risk of death invoked by the disease that was treated.

"Department" means the Illinois Department of Public Health.

"Detection" means the discovery of breast or cervical cancer in a woman previously thought to be free of such cancer.

"Diagnostic Evaluation" means use of various techniques including physical exams, mammography, and evaluation by a pathologist of breast or cervical cells removed from the body to determine the presence and type of cancer.

"Director" means the Director of the Illinois Department of Public Health.

"Early Detection" means discovery of breast or cervical cancer at the first possible time when spread to other organs is least likely to occur.

"Fellowship" means supervised practical experience for an individual in a health care or scientific specialty beyond that required to earn a doctorate or, in the case of medicine, beyond that provided to hospital resident physicians to broaden expertise in breast and cervical cancer.

"Funding Period" means the time (usually twelve months coinciding with the Department's Fiscal Year) during which money is to be spent in support of a particular research project or training course.

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"General Award" means presentation of funds by the Department to an applicant to conduct research on breast and cervical cancer.

"Governmental Unit Code" means the Illinois Comptroller's preassigned vendor identification number for governmental agencies and municipalities.

"Grant Agreement Period" (see Funding Period).

"Not-for-profit" means a corporation as described in the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105].

"Peer Review Panel" means a group appointed by the Director, whose members demonstrate and are acknowledged to have expertise in areas dealing with breast and cervical cancer research.

"Prevention" means using various techniques including drugs, diet, and/or lifestyle changes to stop cancer from developing in healthy women.

"Principal Investigator" means the person with prime responsibility for conducting a research project.

"Project Period" means a minimum of one year and a maximum of three years (possibility of two continuation grants).

"Referral" means the process of linking persons who may be or who have been diagnosed with breast or cervical cancer with services in response to those needs.

"Research" means a scientific investigation into possible causes, location, progression, treatment, care and cure for breast and cervical cancer. Research includes but is not limited to, expenditures to develop and advance the understanding, techniques, and modalities effective in early detection, prevention, cure, screening, and treatment of breast and cervical cancer and may include clinical trials. (Section 55.70 of the Act)

"Research Fund" means the Penny Severns Breast and Cervical Cancer Research Fund, which is a special fund in the State Treasury as described in Section 55.70 of the Civil Administrative Code of Illinois.

"Research Fund Checkoff" means a voluntary process by which an Illinois taxpayer may use a provision on the standard individual income tax form to contribute to the Penny Severns Breast and Cervical Cancer Research Fund.

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"Research Grant" means funding provided to qualified principal investigators to investigate specific questions related to breast and cervical cancer research.

"Screening" means examining and testing for cancer in women who have no overt symptoms of cancer.

"TIN number" means the nine digit Federal Taxpayer Identification Number also known as the Federal Employer Identification Number (FEIN), Social Security Number, or Governmental Unit Code.

"Training and Continuing Education" means extending or updating the knowledge of research scientists, health care professionals and other allied persons.

"Treatment" means the management and care of a woman for the purpose of combating breast or cervical cancer.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 970.30 Application Procedures

The Department shall provide written application instructions and forms to potential applicants.

a) All applications shall include the following:

- 1) the principal investigator's name, address, and telephone and FAX and teletypewriter (TTY) numbers, if available;
- 2) the name, address, and telephone and FAX and TTY numbers, if available, of the entity (such as a university) through which the application is being submitted, if different from the information provided in subsection (a)(1) of this Section;
- 3) the curriculum vitae of the principal investigator;
- 4) a one-page non-technical abstract, which describes the significance of the applicant's project for breast and/or cervical cancer research;
- 5) the Social Security Number, Taxpayer Identification Number (TIN) or the Governmental Unit Code assigned by the State of Illinois, Office of the Comptroller;
- 6) the signature of principal investigator or agency official authorized to certify the application;
- 7) an approximate timetable for project completion;
- 8) a detailed budget for the funding period, documenting sufficient resources to carry out the project. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support project activities. The applicant shall indicate the total cost of conducting the project(s), the anticipated funding request for year 2 and 3 of the project (if

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- applicable), the source of other funds supporting the project(s), the amount of support requested from the Department;
- 9) a signed Statement of Assurances indicating compliance with applicable State and Federal requirements, such as the Fiscal Control and Internal Auditing Act, Office of Management and Budget (OMB) Circular A-128 (local governments), OMB Circular A-133 (not-for-profit organizations), bribery certification, contract debarment and unfair discrimination, Illinois Human Rights Act, Federal Civil Rights Act, Drug Free Workplace Act, Davis-Bacon Act, conflict of interest as specified in the Illinois Procurement Code [30 ILCS 500] Purchasing Act, and Protection of the confidentiality of services;
- 10) a statement of whether funds are being requested for a fellowship or a general award;
- 11) a statement of the research question or hypothesis, or a description of intervention(s) or model program(s) on which the research will be based;
- 12) a prioritized listing of measurable objectives for the funding period;
- 13) for each objective proposed for the first year of the project, a sequential listing of activities to achieve the objective, the time line for completing each activity, identification of the individual responsible for coordinating the implementation of each objective; and
- 14) the evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.
- b) If the funds are being requested to support a fellowship, the following information shall be provided in addition to the information required in subsection (a) of this Section:
- 1) the name of individual to be supported through the fellowship;
 - 2) the curriculum vitae of individual; and
 - 3) at least one letter of recommendation from the principal investigator or agency official authorized to certify the application.
- c) All continuation applications shall contain the information required in subsection (a) and, in addition, shall include the following:
- 1) a progress report which contains a description of the status of each activity of the project to date, utilizing the evaluation methods and monitoring plan specified in subsection (a)(14) of this Section;
 - 2) documentation of progress in meeting each project objective;
 - 3) the project objectives for the new grant year, along with activities and timelines for completion of each activity; and
 - 4) any revisions in the evaluation methods or the monitoring plan, along with the rationale for such revisions.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Numbers:

Adopted Action:
Amended
110.70
Amended
110.80
Amended
110.90
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10/0.01 et seq.]
- 5) Effective Date of Amendments: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: September 17, 1999; 23 Ill. Reg. 11356
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Fees are being increased to more realistically reflect the actual costs in conducting certain tests and examinations. These changes will bring the Department's laboratories in line with the fees being charged by the University of Illinois Diagnostic Laboratory for the same tests. Fees being increased are for complete blood counts, leukocyte, hemoglobin, hematocrit, hematology differential, blood compatibility crossmatch, bone marrow examination, routine chemistry and microscopic examination, cytology examination, histopathology biopsy, campylobacter culture, listeria culture, and mycoplasma testing. A fee is also being established for immunohistochemistry testing.
- 16) Information and questions regarding this adopted amendment shall be

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directed to:

Linda Rhodes
 Illinois Department of Agriculture
 State Fairgrounds
 Springfield, IL 62794-9281
 Telephone: 217/785-5713
 Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8 - AGRICULTURE AND ANIMALS
CHAPTER 1 - DEPARTMENT OF AGRICULTURE
SUBCHAPTER b - ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110

ANIMAL DISEASE LABORATORIES ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act (510 ILCS 10).

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9735, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 4255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective JAN 10 2000.

Section 110.70 Clinical Pathology Fees

The following fees apply to those specimens submitted where a necropsy is not involved; with a minimum total fee of \$5.00:

a) Hematology:

1) Complete Blood Count (RBC, Hb, Ht, WBC, Diff.).....	\$ 12.00±#0 C, G
2) Erythrocyte.....	3.00 C, G
3) Leukocyte.....	5.00±#0 C, G
4) Bandwidth Key.....	5.00 C, G
5) Hemoglobin.....	5.00±#0 C, G
6) Hematocrit.....	5.00±#0 C, G
7) Differential.....	5.00±#0 C, G
8) Eosinophil Count--Total.....	5.00 C
9) Stippling.....	3.00 C, G
10) Fibrinogen.....	3.00 C, G
11) Erythrocyte Indices.....	3.00 C, G
12) Short Stain (canine distemper).....	5.00 C, G
13) Hemobartonella--Acridine Orange.....	5.00 C, G
14) Erythrocyte Parasites--Wright's Giemsa Stain.....	5.00 C, G
15) Erythrocyte Sedimentation Rate.....	5.00 C
16) Blood Compatibility Crossmatch.....	15.00±#0 C
17) Pandey (Qualitative Protein).....	3.00 C
18) Bone Marrow, Collection and Examination.....	20.00 C
20) Microfilaria.....	12.00±#0 C, G
b) Urinalysis.....	3.00 C, G
1) Routine Chemistry and Microscopic Examination....	9.00±#0 C, G
2) Urine Urobilinogen, Qualitative.....	3.00 C
3) Urine Na.....	3.00 C
4) Urine K.....	3.00 C
c) Enzymology.....	
1) SGOT (serum glutamic oxalacetic transaminase).....	3.00 C
2) SGPT (serum glutamic pyruvic transaminase).....	3.00 C
3) LDH (lactic dehydrogenase).....	3.00 C
4) Alkaline Phosphatase.....	3.00 C
5) Lipase.....	3.00 C
6) Amylase.....	5.00 C
7) Sorbitol dehydrogenase.....	5.00 C
8) Arginase.....	5.00 C
d) Chemistry.....	
1) Bilirubin--Total and Direct.....	10.00 C
Total Only.....	5.00 C
2) Direct Only.....	5.00 C
3) Electrolytes (Ca, P, Mg, K, and Na).....	12.00 C
4) Calcium.....	3.00 C, G
5) Chloride.....	3.00 C
6) Cholesterol, Total.....	3.00 C
7) Creatinine.....	3.00 C
8) Glucose.....	3.00 C
9) Phosphorus.....	3.00 C, G
10) Lactic Acid.....	3.00 C
10) Potassium.....	3.00 C

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- 11) Total Protein..... 3.00 C, G
 12) Albumin..... 3.00 C, G
 13) Sodium..... 3.00 C, G
 14) Blood Urea Nitrogen..... 3.00 C, G
 15) Uric Acid..... 3.00 C, G
 16) Zinc..... 3.00 C, G
 17) Magnesium..... 3.00 C, G
 18) Copper..... 3.00 C, G
 19) Iron..... 3.00 C, G
 e) Other Tests
 1) Calculi Analysis, Qualitative..... 10.00 C, G
 2) Semen Examination..... 10.00 C, G
 3) Cytology Transudate/Exudate
 Cytology Examination Only..... 18.00±±±± C, G
 Complete (i.e., Count, SG, TP, Sugar, Culture)..... 20.00 C, G
 4) Spinal Fluid (Cytology, SG, TP)..... 10.00 C, G

(Source: Amended at 24 Ill. Reg. 990 effective 1/1/2000)

Section 110.80 Histopathology Fees

a) The following are the fees for histopathology:

- 1) Biopsy..... 25.00±±±± C, G
 2) Multiple Tissues (2-4 tissues)..... 35.00±±±± C, G
 3) Immunohistochemistry testing..... 10.00 C, G
 b) In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the specific fee.

(Source: Amended at 24 Ill. Reg. 990 effective 1/1/2000)

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

- a) Bacteriology, Mycoplasma and Fungi
 1) Aerobic or anaerobic culture without sensitivity testing..... 10.00 C, G
 2) Aerobic culture with sensitivity testing..... 15.00 C, G
 3) Clostridium perfringens serotyping..... 5.00 G
 4) Milk samples for mastitis evaluation
 1-4 specimens..... 15.00 C, G
 (additional specimens, each at)..... 2.00 C, G
 Wisconsin mastitis test
 1-10 specimens, each..... 2.00 C

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- (additional specimens, each at)..... 1.00 C
 5) Leptospirosis—6 serotypes
 Microtiter test—per specimen..... 2.00 C, G
 6) Canine brucellosis—per specimen..... 5.00 C, G, S
 7) Fluorescent Antibody Test (FA)..... 10.00 C, G
 8) Escherichia coli serotyping..... 3.00 C, G
 9) Campylobacter (culture)..... 6.00±±±± C, G
 10) Salmonella isolation using enrichment media..... 6.00 C, G
 11) Hemophilus (culture)..... 3.00 C, G
 12) Nasal Swabs—Bordetella..... 2.00 C, G
 13) Listeria (culture)..... 6.00±±±± C, G
 14) Hemophilus equigenitalis (CEM)..... 4.00 C, G
 15) Spirochetes (swine dysentery—Treponema sp.)..... 3.00 C, G
 16) John's Bacillus (first specimen)..... 7.00 C, G
 (each additional specimen)..... 4.00 C, G
 17) Prepare and Supply Transport Media (per tube)..... 1.00 C, G
 18) Return culture for bacterin production
 per organism..... 2.00 C, G
 19) Mycology Testing Culture..... 6.00 C, G
 20) Microscopic examination..... 3.00 C, G
 21) Mycoplasma Testing Culture..... 10.00±±±± C, G
 22) E. Coli or Metritis (1-4 specimens)..... 15.00 C, G
 (each additional specimen)..... 2.00 C, G
 23) Trichomonas transport media..... 4.00 C, G
 b) Virology
 1) Electron Microscopy—fecal..... 15.00 G
 2) Pseudorabies Serology (positive or negative)..... no charge, C, G
 Pseudorabies Serology Out-of-State..... 3.00 C, G
 Pseudorabies Serology (positive or negative) and end titer..... 3.00 C, G
 Pseudorabies Serology (request for screen at dilution of 1:2)..... 3.00 C, G
 3) Pseudorabies Latex Agglutination..... 3.00 C, G
 4) Fluorescent Antibody Test (each disease)..... 10.00 C, G
 5) Rabies..... 5.00 C, G
 Virus Isolation in Cell Culture
 (1 specimen)..... 15.00 C, G
 Each additional specimen..... 10.00 C, G
 6) Viral Serology (each disease)
 (1-5 specimens, each)..... 3.00 C, G
 (Each additional specimen)..... 1.00 C, G
 7) Feline Leukemia Virus..... 10.00 C, G
 8) Feline Infectious Peritonitis (F.I.P.)..... 5.00 C, G
 9) Canine parvo-virus (ELISA) fecal..... 5.00 C, G
 10) Canine parvo-virus serum..... 5.00 C, G
 11) Canine distemper on serum..... 5.00 C, G
 12) Rota-virus on fecal..... 10.00 C, G
 13) Semen testing (export)..... 10.00 C, G

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- 14) Swine enterovirus (8 serotypes)..... 12.00 C
 15) PeLV-PeLV..... 15.00 C
 16) Porcine fetal fluid IgG..... 3.00 G
 17) Feline lentivirus (FeLV)..... 10.00 C
 18) Encephalomyocarditis (1-5 specimens, each)..... 3.00 C, G
 (Each additional specimen)..... 1.00 C, G
 19) PRRS (screening 1:20)..... 2.00 G
 (1-5 specimens, each)..... 3.00 C, G
 c) Chlamydia isolation in Cell Culture..... 4.00 C, G
 d) Miscellaneous serology..... 15.00 C, G
 1) Toxoplasmosis (first sample)..... 5.00 C
 (Each additional sample)..... 2.50 C
 2) ERA-AGID..... 2.50 S
 ERA-CELISA..... 10.00 S
 3) Mare Immunological Pregnancy Test (35-60 days post-service)..... 15.00 C
 4) Aleutian Disease-Mink (immunoelectrophoresis)..... .20 S
 5) Out-of-State brucellosis serology..... .50 C, G, S
 6) Brucellosis testing other than bovine, porcine and canine..... .50 C, G, S
 7) Bluetongue (1-5 specimens, each)..... 3.00 C
 (Each additional specimen)..... 2.00 C
 8) Bovine leukosis (BLV-AGID) (1-5 specimens, each)..... 3.00 C, S
 (Each additional specimen)..... 1.00 C, S
 9) Vesicular stomatitis (1-5 samples each)..... 3.00 C
 (Each additional sample)..... 2.00 C
 10) Complement Fixation Serology (1-5 specimens, each)..... 3.00 C
 (Each additional specimen)..... 1.00 C
 Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.
 11) Johne's ELISA 1-10 specimens, each..... 10.00 C
 11 or more specimens, each..... 5.00 C
 12) Actinobacillus pleuropneumoniae per serotype..... 1.00 G
 13) Mycoplasma hyopneumoniae..... 3.00 G
 14) Caprine arthritis encephalitis (CAE)..... 3.00 C, G
 first specimen..... 1.00 C, G
 (Each additional specimen)..... 5.00 C
 15) Bovine leukemia virus ELISA (1-5 specimens, each)..... 3.00 C
 (Each additional specimen)..... 3.00 C

(Source: Amended at 24 Ill. Reg. 090, effective JAN 1 1999)

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Diseased Animals
 2) Code Citation: 8 Ill. Adm. Code 85
 3) Section Numbers: Adopted Action:
 85.5 Amended
 85.120 Amended
 4) Statutory Authority: Illinois Diseased Animals Act (510 ILCS 50); Section 6 if the Illinois Bovine Brucellosis Eradication Act (510 ILCS 30/61; Livestock Auction Market Law (225 ILCS 640); and Equine Infectious Anemia Control Act (510 ILCS 65)
 5) Effective Date of Amendments: January 10, 2000
 6) Does this rulemaking contain an automatic repeal date? No
 7) Does this amendment contain incorporations by reference? Yes
 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 9) Notice(s) of Proposal Published in Illinois Register: September 17, 1999; 23 Ill. Reg. 11363
 10) Has JCAR issued a Statement of Objections to this amendment? No
 11) Difference(s) between proposal and final version: None
 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
 13) Will this amendment replace an emergency amendment currently in effect? No
 14) Are there any amendments pending on this Part? No
 15) Summary and Purpose of Amendment: In Section 85.5, the Department is clarifying the definition of "exposed to" to exclude animals under two years of age that have been exposed to Johne's disease from the retest requirement. Because of the nature of the disease and the current testing procedures, it is not possible to get an accurate test on these types of animals as they are not exhibiting symptoms or measurable antibodies at that age.

In Section 85.120, the Department is proposing to adopt the May 14, 1999 amendment to the Cervid Brucellosis Uniform Methods and Rules. The amendment defines test-eligible animals as all cervidae 1 year of age or

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older. The current definition is 6 months of age and older.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER 1: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85

DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.80	Sheep
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall Be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (John's disease) Certification Program

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

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SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 22 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7662, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective JAN 10 2000.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; 1999).

"Exposed to" means an animal that has come in contact with another animal or an environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to John's disease. Animals more than two years of age originating from a herd where John's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement. No restrictions or tests are required for animals under two years of age.

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"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.
(Source: Amended at 24 Ill. Reg. 997 effective JAN 10 2000)

Section 85.120 Cervidae

- a) Elk entering Illinois shall be negative to a brucellosis card test or PCPIA test conducted within 60 days on all animals 6 months of age and over.
 - b) Certified brucellosis-free cervid herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; 1997 edition, as amended May 14, 1999, and not including any later amendments or editions beyond the date specified) and the United States Department of Agriculture.
 - c) All cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code (520 ILCS 5).
 - d) All cervidae entering Illinois must be accompanied by a permit from the Department and Certificate of Veterinary Inspection that:
 - 1) has been issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) is approved by the Animal Health Official of the state of origin;
 - 3) shows that the cervidae are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - 4) shows that the cervidae are not originating from a herd under quarantine for any contagious, infectious or communicable disease;
 - 5) lists the cervid's unique individual identification (approved ear tag, tattoo or microchip);
 - 6) shows the permit obtained from the Department:
- A) Applicant for permit shall furnish the following information to the Department:
- i) Name and post office mailing address of Illinois destination;
 - ii) Name and post office mailing address of consignor; and
 - iii) Number of cervidae in shipment.
- B) Grounds for refusal to issue permit are:
- i) Violation of the Act or this Part;
 - ii) presence of a disease that might endanger the Illinois livestock industry;
 - iii) Refusal to provide required information for the permit.
- C) Permits will be issued by telephoning or writing the

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Department.

- e) Chronic wasting disease (CWD). Any cervid dying from an unknown cause and that has exhibited a neurological disorder must have its brain removed for CWD evaluation. Any cervid exhibiting symptoms of CWD must be kept separate and apart from other members of the herd and will be quarantined until the animal is either destroyed or determined not to have CWD. Animals quarantined for CWD will be subject to periodic inspection by Department personnel.

(Source: Amended at 24 Ill. Reg. 997 effective JAN 1 2004)

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- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

- 2) Code Citation: 8 Ill. Adm. Code 80

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
80.5	New Section
80.10	Amended
80.70	New Section
80.80	New Section
80.110	Amended
80.120	Amended
80.130	Amended
80.140	Amended

- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

- 5) Effective Date of Amendments: January 10, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) A copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: September 17, 1999; 23 Ill. Reg. 11369

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A

- 13) Will this rulemaking replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: The Department is moving the references to documents incorporated by reference under these regulations to a single section. Testing requirements and permits for cattle or bison originating from non-accredited free states are being established.

- 16) Information and questions regarding these adopted amendments shall be

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directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217-785-5713
Facsimile: 217-785-4505

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
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PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section	Definitions/Incorporations by Reference
80.5	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.10	When Indemnity Will Be Paid on Tests
80.20	Herds Quarantined Because of Suspected Tuberculosis Infection
80.30	Identification Tags Not to Be Removed
80.40	Infected Herd Depopulation (Repealed)
80.50	Cattle for Immediate Slaughter (Repealed)
80.60	Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.70	(Repealed)
80.80	Female Cattle--Beef Breeds--18 Months and Over from Non-Accredited Tuberculosis Free Areas (Repealed)
80.90	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Dairy or Beef Cattle, Bison or Steers
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective August 9, 1999.

Section 80.5 Definitions/Incorporations by Reference

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"Accredited Tuberculosis Free State" means any state recognized as an Accredited Tuberculosis Free State as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules.

"Bovine Tuberculosis Eradication Uniform Methods and Rules" (June 1997) refers to the document approved by the United States Animal Health Association (P.O. Box 28116, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

"Uniform Methods and Rules for Tuberculosis Eradication in Cervidae" (effective July 15, 1994 and including 1996 amendments and Federal Register, Vol. 63, No. 35, February 23, 1998, pages 8837-8840) refers to the document as approved by the United States Animal Health Association (P.O. Box 28116, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

(Source: Added at 24 Ill. Reg. 1003, effective JAN 10 2000)

Section 80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds

A cattle or bison herd qualifies as a tuberculosis-free accredited herd when it meets the requirements of the Bovine Tuberculosis Eradication Uniform Methods and Rules (June 1997) for such herds as approved by the United States Animal Health Association (P.O. Box 28116, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture, Animal and Plant Health Inspection Service for the establishment and maintenance of a tuberculosis-free accredited herd of cattle or bison. This incorporation by reference does not include any future amendments or editions beyond the date specified.

(Source: Amended at 24 Ill. Reg. 1003, effective JAN 10 2000)

Section 80.70 Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States (Repeated)

- All steers and spayed heifers and calves of the beef breeds under 6 months of age from Non-Accredited Tuberculosis Free States may enter Illinois when accompanied by an official interstate health certificate or by a permit from the Department.
- Heifers, untested, of the beef breeds over 6 months of age and under 18 months for feeding and grazing purposes only may enter Illinois

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when accompanied by an official interstate health certificate and a permit from the Department.

(Source: Old Section repealed at 8 Ill. Reg. 17809, effective October 1, 1984, new Section added at 24 Ill. Reg. 1003, effective JAN 10 2000)

Section 80.80 Female Cattle--Beef Breeds--18 Months and Over from Non-Accredited Tuberculosis Free Areas (Repeated)

Female cattle of the beef breeds 18 months of age and over, for feeding or grazing purposes only, may enter Illinois from Non-Accredited Tuberculosis Free States, or may be shipped from public stockyards within the State, if they are accompanied by an official interstate health certificate showing negative tuberculin test conducted within 60 days prior to entry.

(Source: Old Section repealed at 8 Ill. Reg. 17809, effective October 1, 1984, new Section added at 24 Ill. Reg. 1003, effective JAN 10 2000)

Section 80.110 Dairy or Beef Cattle, Bison or Steers

All dairy or beef cattle or steers entering or being exhibited in the State of Illinois from Accredited Tuberculosis Free States as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules (June 1997) as approved by the United States Animal Health Association (P.O. Box 28116, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture shall be accompanied by an official certificate of health issued by an accredited veterinarian. This incorporation by reference does not include any future amendments or editions beyond the date specified. No tuberculin test is required for cattle originating from Accredited Tuberculosis Free States. Cattle entering or being exhibited in Illinois from a state that is not Tuberculosis Accredited Free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

- Cattle originated from an accredited tuberculosis-free herd. Accredited herd number and date of last test shall be recorded on the certificate and the cattle shall be identified by ear tag number, tattoo number or registration name and number 7-6R
- Cattle originating out-of-state were negative to a tuberculin test conducted within 60 days prior to entry of exhibition; or 7-6R
- If Illinois is not an Accredited Tuberculosis Free State, cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to entry of exhibition.

Accredited Tuberculosis Free State status is not recognized for bison but individual herd status for bison is recognized.

(Source: Amended at 24 Ill. Reg. 1003, effective JAN 10 2000)

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Section 80.120 Tuberculin Tests

- a) The caudal fold test shall be the official tuberculin test for testing of cattle, bison, sheep, goats, and antelope not known to be infected with, or exposed to, bovine tuberculosis. The caudal fold test shall be applied by accredited veterinarians or by full-time State or Federal regulatory veterinarians.
- b) The comparative cervical test shall be the official tuberculin test for retesting suspects. The comparative cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians. The comparative cervical test must be applied within 10 or not less than 60 days following the initial caudal fold injection.
- c) The single cervical test shall be the official tuberculin test for retesting known infected herds and exposed cattle, bison, sheep, goats, antelope or cervidae which were once part of a known infected herd and is the official tuberculin test for any type of testing for cervidae. The single cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians or by designated accredited veterinarians as defined by the Uniform Methods and Rules for Tuberculosis Bradication in Cervidae. (effective May 1994 and including 1996 amendments) as approved by the United States Animal Health Association (P.O. Box #227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23260) and/or the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

(Source: Amended at 24 Ill. Reg. 1008, effective JAN 10 2000)

Section 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds

- a) General Requirements
- 1) Accredited tuberculosis-free herd certificates, which shall be valid for one year, unless revoked due to a positive test in accordance with the procedures outlined in the Bovine Tuberculosis eradication Uniform Methods and Rules effective June 1997, Part III by Accredited Herd Plan for Dairy Goats (9 C.R. 713-1997) shall be issued by the Department. This incorporation by reference does not include any future editions or amendments beyond the date specified.
 - 2) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
 - 3) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
- b) Accredited
- 1) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
 - 2) If the annual test for accreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
 - 3) If the annual test for accreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
 - 4) If a reaction to the tuberculin test is disclosed at the time of the reaccreditation test, the procedure outlined in subsection (b)(2) of this Section shall be followed.
- d) Additions to Accredited Tuberculosis-Free Herds
- 1) Animals originating from other accredited herds may be added without tests.
 - 2) Animals originating from herds not accredited may be added, provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
 - 3) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

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- 4) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
 - 5) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.
- b) To Qualify for Accreditation
- 1) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
 - 2) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Department by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative cervical test to retest the animal within 10 days after the original injection. If the animal is identified as a reactor as a result of the comparative cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of reactor animals, and conduct additional tests on members of the herd.
- c) To Qualify for Reaccreditation
- 1) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
 - 2) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
 - 3) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
 - 4) If a reaction to the tuberculin test is disclosed at the time of the reaccreditation test, the procedure outlined in subsection (b)(2) of this Section shall be followed.
- d) Additions to Accredited Tuberculosis-Free Herds
- 1) Animals originating from other accredited herds may be added without tests.
 - 2) Animals originating from herds not accredited may be added, provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
 - 3) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

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(Source: Amended at 24 Ill. Reg. 1003, effective JAN 10 2001)

Section 80.140 Cervidae

- a) All cervidae entering Illinois shall comply with the following:
- 1) Be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, not less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd;
 - A) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.
 - B) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.
 - C) Institutions that have been accredited by the American Zoology and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited member must comply with these movement requirements.
- 2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.
- 3) Be individually identified by an approved eartag, microchip or tattoo.
- 4) Be accompanied by a permit obtained from the Department as follows:
- A) Applicant for permit shall furnish the following information to the Department:
 - i) Name and post office mailing address of Illinois destination;
 - ii) Name and post office mailing address of consignor;
 - iii) Number of cervidae in shipment.
 - B) Grounds for refusal to issue permit are:
 - i) Violation of the Act or any rule of this Part;
 - ii) Presence of a disease which might endanger the Illinois livestock industry;
 - iii) Refusal to provide required information for the permit.
 - C) Permits will be issued by telephoning or writing the Department.

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- b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Tuberculosis Eradication in Cervidae, as approved by the United States Animal Health Association (P.O. Box 8327, Suite 114, 1618 Forest Avenue, Richmond, Virginia 23228) effective May 15, 1994, including 1996 amendments and Federal Register Vol. 63, No. 35, February 23, 1998, pages 8837-8840, and/or the United States Department of Agriculture, this incorporation by reference does not include any future editions or amendments beyond the date specified.
- c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].
- (Source: Amended at 24 Ill. Reg. 1003, effective JAN 10 2001)

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- 1) Heading of the Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Section Numbers:
 115.15 Adopted Action:
 115.60 Amended
 115.110 New Section
 115.120 New Section
- 4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]
- 5) Effective Date of Amendments: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register: September 17, 1999;
 23 Ill. Reg. 11387
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect?
 No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is moving the references to documents incorporated by reference under these regulations to a single section.

It is anticipated that Illinois will be awarded Pseudorabies Stage IV status in October, 1999. With the achievement of that status, the Pseudorabies Eradication State-Federal-Industry Program Standards require tougher testing and import standards for Stage IV states. These changes are as a result of this requirement. Feeder swine will only be allowed to be imported into Illinois from Stage IV or V states or from a pseudorabies qualified negative herd, a qualified negative vaccinated herd, or a herd

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- where a 95/10 test of the breeding herd was conducted within 30 days of shipment.
- Slaughter swine entering Illinois from Stage I or II states or from pseudorabies infected or exposed herds will be required to obtain a permit prior to entry.
- The use of pseudorabies vaccine will be prohibited in Illinois, except upon permission by the Department.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
 Illinois Department of Agriculture
 State Fairgrounds
 Springfield, IL 62794-9281
 Telephone: 217/785-5713
 Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER 1: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 115
ILLINOIS PSUDORABIES CONTROL ACT

Section	Definitions
115.10	Incorporation by Reference
115.15	Pseudorabies Quarantines
115.20	General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds
115.30	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.40	Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds
115.50	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
115.60	Pseudorabies Test Requirements for Intrastate Movement
115.70	Pseudorabies Testing of Feeder Swine
115.80	Feeder Swine
115.90	Breeding Animals Consigned to Slaughter
115.100	Swine Intended for Slaughter; Permit
115.110	Use of Vaccine
115.120	

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act (510 ILCS 90).

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective January 7, 1997; amended at 21 Ill. Reg. 17079, effective January 1, 1998; amended at 23 Ill. Reg. 434, effective January 1, 1999; amended at 24 Ill. Reg. 1012-2 effective JAN 10 2000.

Section 115.15 Incorporation by Reference

The Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 1999), as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) is incorporated by reference in this Part and does not include

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any later amendments or editions beyond the date specified.

(Source: Amended at 24 Ill. Reg. 1012 effective JAN 10 2000.)

Section 115.80 Pseudorabies Testing of Feeder Swine

a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

g) The swine are from a qualified pseudorabies negative herd, a QNV herd, or a herd where a 95/10 test of the breeding herd, or, if the breeding herd is not on the same premises, of the feeder swine on the premises, was conducted within 30 days prior to shipment feeder--swine pseudorabies-monitored herd; or

b) The swine are from a herd in which a representative sample of animals 6-months-of-age-and-over-have-been-tested-and-are negative-to-an-official-serological-test-for-pseudorabies-within the preceding-12-months--in-herds-of-35-animals-or-less--a representative sample is all swine 6-months-of-age-and-over-or-at least-10-animals--whichever-is-less--in-herds-of-36-animals-or-more--a representative sample is a minimum-of-38-percent-or-38 animals--that-are-6-months-of-age-and-over--whichever-is-less--or b)3) The swine originate from a state that has been classified as Stage II or IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan-1999) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

b) Swine tested for pseudorabies under a market-swine-testing-program (Section-115.107--shall-be-included-in-the-representative-sample required-in-subsection-c)2);

(Source: Amended at 24 Ill. Reg. 1012 effective JAN 10 2000.)

Section 115.110 Swine Intended for Slaughter; Permit

Animals consigned to slaughter from Stage I or II states or from infected or exposed herds may be shipped into Illinois only upon permit from the Department and shall go directly to a recognized slaughter establishment or approved slaughter market. Permits to import slaughter swine from Stage I or II states or infected or exposed herds shall be issued by telephoning or writing the Department.

a) The applicant for the permit shall furnish the following information

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to the Department:

- 1) Name and complete mailing address of Illinois destination.
- 2) Name and address of consignor.
- 3) Number of swine in shipment.

b) Grounds for refusal to issue a permit are:

- 1) Violation of the Act or any rule of this Part.
- 2) Presence of a disease that might endanger the Illinois swine industry.

Swine originating from any quarantined herd must be shipped in a sealed vehicle and accompanied by a shipping permit VS Form 1-27.

(Source: Added at 24 Ill. Reg. 3.018, effective JAN 10 2000)

Section 115.120 Use of Vaccine

Use of pseudorabies vaccine is prohibited except upon permission by the Department. Permission will be granted to herds when epidemiological evidence indicates that the herd is at risk, such as herds or areas that have had recent pseudorabies infection or are importing or exporting.

(Source: Added at 24 Ill. Reg. 3.018, effective JAN 10 2000)

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- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers:
 - 105.5
 - 105.7
 - 105.10
 - 105.30
 - 105.100
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act 510 ILCS 100, the Illinois Pseudorabies Control Act 510 ILCS 90, and the Illinois Swine Brucellosis Eradication Act 510 ILCS 95
- 5) Effective Date of Amendments: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register: September 17, 1999; 23 Ill. Reg. 11392
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is moving the references to documents incorporated by reference under these regulations to a single section.

A definition of "pig show/sales" and regulations regarding these types of events are being added to diminish the risk of the reintroduction of pseudorabies into Illinois through these types of sales. Swine entering Illinois and moving through these types of sales must originate from Stage IV or V states or from a pseudorabies qualified negative herd, a qualified

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negative vaccinated herd or a herd where a 95/10 test of the breeding herd was conducted within 30 days of shipment from a Stage III state. Feeder swine from Stage I or II states will not be allowed.

Persons applying for permits to move breeding or feeder swine into Illinois will be required to reveal the vaccination status of the swine. Exhibition swine returning to Illinois from out-of-state shows will be required to be quarantined and isolated from the remainder of the herd until the swine have been retested and found negative for pseudorabies 21-60 days post-entry.

16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5712
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105

SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act (510 ILCS 1001), the Illinois Pseudorabies Control Act (510 ILCS 901), and the Illinois Swine Brucellosis Eradication Act (510 ILCS 951).

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg.

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11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective JAN 10 2000.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act [510 ILCS 100].

"feral swine" mean swine that have lived any part of their lives free roaming. Swine may lose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Pig shows/sales" means events where feeder swine are commingled and sold with the intent of the swine being used for exhibition purposes.

"Site tattoo" means a permanent mark applied in the right ear or a slap tattoo on the right shoulder showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 24 Ill. Reg. 1017, effective JAN 10 2000)

Section 105.7 Incorporation by Reference

The Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 1999) as approved by the United States Animal Health Association (P.O. Box 2816, Suite 203, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176), and the Swine Brucellosis Eradication Uniform Methods and Rules (April 1998) as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) are incorporated by reference in this Part and do not include any later amendments or editions beyond the date specified.

(Source: Added at 24 Ill. Reg. 1017, effective JAN 10 2000)

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Section 105.10 Swine Entering Illinois for Feeding Purposes Only

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - 4) Show that the feeder swine are not from a quarantined herd and/or area;
 - 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
 - 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January-1999) as approved by the United States Animal Health Association (P.O. Box 2816, Suite 203, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for a Stage V swine incorporation by reference does not include any future editions or amendments beyond the date specified. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.
- c) Permits:
- 1) Permits to import feeder swine shall only be issued to:
 - A) An Illinois licensed feeder swine dealer; and
 - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination.
 - B) Name and address of consignor.
 - C) Number of swine in shipment.
 - D) Pseudorabies vaccination status of swine.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or any rule of this Part.

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- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
- C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 24 Ill. Reg. 3 0 3 7 effective JAN 1 1 2010)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, or of breeding age returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.

- b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of the state of origin;
- 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
- 5) Show that the swine are not from a quarantined herd and/or area;
- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules (April-1999)-as-approved-by-the-United-States-Antimal-Health Association--P-6--Box--K227--Suite-114--1610--Forest-Avenue Richmond-Virginia-23267)--incorporation-by-reference--does-not include--any-amendments-or-editions-beyond-the-date-specified; and
- 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of the swine, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January-1999)-as-approved-by-the-United-States-Antimal-Health Association--(P-6--Box--K227--Suite-114--1610--Forest-Avenue

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Richmond-Virginia-23267). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above. ~~incorporation-by-reference--does-not--include any-amendments-or-editions-beyond-the-date-specified.~~

c) Permits:

- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
- 2) Applicant for permit shall furnish the following information to the Department:
Name and complete mailing address of Illinois destination;
Name and address of consignor; and
Number of swine in shipment; and
Pseudorabies vaccination status of swine.
- 3) Grounds for refusal to issue a permit are:
A) Violation of the Act or any rule of this Part; and
B) Presence of a disease which might endanger the Illinois swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

(Source: Amended at 24 Ill. Reg. 3 0 3 7 effective JAN 1 1 2010)

Section 105.100 Feeder Swine Moving Through Pig Shows/Sales

All feeder swine moving through or entering Illinois from pig shows/sales must originate from a Stage IV or Stage V state or from a qualified pseudorabies negative herd, a qualified negative vaccinated herd, or a herd where a 95/10 test of the breeding herd was conducted within 30 days prior to shipment from a

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Stage III state. Feeder swine from a Stage I or II state will not be allowed at, or to enter from, pig shows/sales.

(Source: Added at 24 Ill. Reg. 2 (i) 7 effective 3
JAN 14 2000)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
 - 2) Code Citation: 80 Ill. Adm. Code 310
 - 3) Section Numbers: Adopted Action:
 310.220 Amend
 310.270 Amend
 310.Appendix A, Table AA Amend
 - 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
 - 5) Effective Date of Amendments: January 7, 2000
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Do these amendments contain incorporations by reference? No
 - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in the Illinois Register: September 24, 1999; Issue #39; 23 Ill. Reg. 11750
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences between proposal and final version: The rate increase for the Laborer (Maintenance) (from \$5.15 - \$6.00 to \$6.20 - \$6.75) which was adopted on September 21, 1999 is being included in the text.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this amendment replace an emergency amendment currently in effect? No
 - 14) Are there any proposed amendments pending on this Part? Yes
- | | | |
|-----------------|-----------------|------------------------|
| Section Numbers | Proposed Action | Ill. Register Citation |
| Section 310.280 | Amend | 23 Ill. Reg. 13285 |
- 15) Summary and Purpose of Amendments:
 In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the daily and hourly rates for the Account Technician II, Office Aide, Office Assistant, Office Associate, Office Clerk and Revenue Tax Specialist I were upgraded to reflect the July 1, 1999 increase given to the AFSCME Collective Bargaining Agreements.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 310.270, Legislated and Contracted Rate, the Arbitrator's annual salary was increased from \$85,748 to \$90,657, effective July 1, 1999.

In Section 310.Appendix A, Table AA NR-916 (Department of Natural Resources, Teamsters), the maximum salary rates were increased as reflected in the text, effective July 1, 1999.

16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, IL 62706
(217) 782-5601

The full text of the adopted amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 2000
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Hourly Equivalents
310.520	Conversion of Base Salary to Pay Period Units
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2000
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay
HR-190	(Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IPFE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
TABLE Q	RC-031 (Meat Inspectors, IPFE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IPFE)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2000
APPENDIX C	Medical Administrator Rates for Fiscal Year 2000
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2000
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 3120, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9431, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 21, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; peremptory amendment at 11 Ill. Reg. 3501, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 21, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 4, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16350, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10005, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective October 19, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective February 2, 1993; amended at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14656, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 1107, effective December 17, 1993; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14411, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16345, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17131, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10811, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; emergency amendment at 20 Ill. Reg. 15092, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1023, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 22, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570 effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective

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November 15, 1999; amended at 24 Ill. Reg. 1025, effective JAN 7-2001.

SUBPART B: SCHEDULE OF RATES

Section 310-230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part. If the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310-220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II

12.26 to 17.14 (hourly)
~~12.00 to 14.00 (hourly)~~
 92 to 129 (daily)
~~83 to 106 (daily)~~

Apiary Inspector
 Building/Grounds Laborer
 Building/Grounds Lead I
 Building/Grounds Lead II
 Building/Grounds Maintenance Worker
 Chaplain I
 Chemist I
 Conservation/Historic Preservation Worker
 Conservation/Historic Preservation Worker (2nd season -- site interpretation)
 Conservation/Historic Preservation Worker (3rd season -- site interpretation)
 Dentist I
 Dentist II
 Educator
 Educator Aide
 Guard II
 Guard III
 Hearing and Speech Advanced Specialist
 Hearings Referee
 Janitor I
 Labor Maintenance Lead Worker

8.28 to 10.15 (hourly)
 5.15 to 6.00 (hourly)
 5.15 to 7.00 (hourly)
 5.25 to 8.00 (hourly)
 5.15 to 6.00 (hourly)
 39 to 70 (daily)
 39 to 45 (daily)

5.15 to 6.50 (hourly)

5.15 to 6.50 (hourly)
 70 to 150 (daily)
 100 to 185 (daily)
 39 to 85 (daily)
 39 (daily)
 67 to 84 (daily)
 75 to 96 (daily)
 75 to 30 (hourly)
 15 to 30 (hourly)
 75 to 200 (daily)
 5.15 to 5.30 (hourly)
 5.15 to 6.00 (hourly)

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Section 310, APPENDIX A Negotiated Rates of Pay
Section 310, TABLE AA NR-916 (Department of Natural Resources, Teamsters)

Effective: July 1, 1999

	Minimum Salary	Maximum Salary
Cartographer III	2705	5005
Civil Engineer I	2635	4225
Civil Engineer II	2810	4850
Civil Engineer III	3095	5430
Civil Engineer Trainee	2475	3590
Engineering Technician I	1485	2855
Engineering Technician II	1810	3420
Engineering Technician III	2220	4080
Engineering Technician IV	2725	5295
Technical Manager I	2085	3850

Effective: July 16, 1999

	Minimum Salary	Maximum Salary
Cartographer-III	2765	4866
Civil-Engineer-I	2635	4188
Civil-Engineer-II	2810	4785
Civil-Engineer-III	3095	5270
Civil-Engineer-Trainee	2475	3485
Engineering-Technician-I	1485	2778
Engineering-Technician-II	1810	3320
Engineering-Technician-III	2220	3968
Engineering-Technician-IV	2725	5148
Technical-Manager-I	2085	3735

(Source: Amended at 24 Ill. Reg. effective
JAN 7, 2001)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 66 Ill. Adm. Code 3000
- 3) Section Numbers: Adopted Action:
 3000.230 Amendment
 3000.232 New
 3000.236 Amendment
 3000.237 New
 3000.237 Amendment
 3000.500 Amendment
 3000.510 Amendment
 3000.1071 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 101] (specifically 230 ILCS 101/5(b)(3) and 5(c)(3), and Public Act 91-40)
- 5) Effective Date of Rulemaking: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 16, 1999; 23 Ill. Reg. 7823
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Board voluntarily withdrew amendments to Sections 3000.230 and 3000.236 which are the subject of pending litigation initiated subsequent to the filing of the Emergency and Proposed Amendments. In addition, several technical changes were made. The only comment received concerned the same sections.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments implement Public Act 91-40 which permits dockside gaming, relaxes transfer of ownership

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requirements, establishes a licensing period of up to four years, changes the admission tax to reflect dockside gaming, and implements language allowing the relocation and renewal of a non-operating license.

16) Information and questions regarding these adopted amendments shall be directed to:

Mareile B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
312/814-4700
Fax: 312/814-8798

The full text of the adopted amendments begin on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	Definitions
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.141	Owner's and Supplier's Duty to Investigate
3000.150	Investigatory Proceedings
3000.155	Duty to Report Misconduct
3000.160	Communication with Other Agencies
3000.161	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.165	Fair Market Value of Contracts
3000.170	Weapons on Riverboat
3000.180	

SUBPART B: LICENSES

Section	Classification of Licenses
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest by Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions

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3000.240 Supplier's Licenses
 3000.241 Renewal of Supplier's License
 3000.242 Amendment to Supplier's Product List
 3000.243 Bankruptcy or Change in Ownership of Supplier
 3000.245 Occupational Licenses
 3000.245 Transferability of Licenses
 3000.250 Waiver of Requirements
 3000.260 Certification and Registration of Electronic Gaming Devices
 3000.270 Analysis of Questioned Electronic Gaming Devices
 3000.271 Registration of All Gaming Devices
 3000.280 Transfer of Registration (Repealed)
 3000.281 Seizure of Gaming Devices (Repealed)
 3000.282 Analysis of Questioned Electronic Gaming Devices (Repealed)
 3000.283 Disposal of Gaming Devices
 3000.284

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section
 3000.300 General Requirements - Internal Control System
 3000.310 Approval of Internal Control System
 3000.320 Minimum Standards for Internal Control Systems
 3000.330 Review of Procedures (Repealed)
 3000.340 Operating Procedures (Repealed)
 3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section
 3000.400 Coverage of Subpart
 3000.405 Requests for Hearings
 3000.410 Appearances
 3000.415 Discovery
 3000.420 Motions for Summary Judgment
 3000.424 Subpoena of Witnesses
 3000.425 Proceedings
 3000.430 Evidence
 3000.431 Prohibition on Ex Parte Communication
 3000.435 Sanctions and Penalties
 3000.440 Transmittal of Record and Recommendation to the Board
 3000.440 Status of Applicant for License or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING RECURSIONS

Section
 3000.500 Riverboat Cruises ~~Time-of-Excursion~~
 3000.510 Excursions-Being Cancelled or Disrupted Cruises--~~Violations--and~~

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Pines

SUBPART F: CONDUCT OF GAMING

Section
 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards
 3000.602 Disposition of Unauthorized Winnings
 3000.605 Authorized Games
 3000.606 Gaming Positions
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
 3000.614 Tournaments, Enhanced Payouts and Give-aways
 3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-in
 3000.620 Submission of Chips for Review and Approval
 3000.625 Chip Specifications
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.635 Issuance and Use of Tokens for Gaming
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips
 3000.655 Destruction of Chips and Tokens
 3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.666 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Surveillance Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

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- E) Has satisfied the Board as to any other information deemed necessary for licensure.
- 3) After presentation by the applicant, the Board shall determine whether to find the applicant preliminarily suitable for licensing.
- 4) If the Board finds the applicant preliminarily suitable for licensing, it shall issue the applicant a finding of preliminary suitability.
- 5) If the Board finds the applicant not preliminarily suitable for licensing, it shall issue the applicant a Notice of Denial.
- d) Approval for Proposed Changes
- 1) In addition to an applicant's and licensee's duty under Section 3000.140 to disclose information to the Board, an applicant or owner licensee must immediately inform the Board and, except as provided in subsections (d)(2) and (3) below, obtain prior formal Board approval thereof whenever a change is proposed in the following areas:
- Key Persons;
 - Type of entity;
 - Equity and debt capitalization of entity;
 - Investors and/or debt holders;
 - Sources of funds;
 - Economic development plans or proposals;
 - Riverboat ~~existing~~ schedules or routes, capacity or design change;
 - Gaming positions;
 - Anticipated economic impact; or
 - Agreements, oral or written, relating to the acquisition or disposition of property (real or personal) of a value greater than \$1 million.
- 2) The Board may, by resolution, delegate to the Administrator the authority to approve proposed changes listed in Section 3000.230(d)(1). Such resolution shall specify the type and, where appropriate, level or amount of the proposed changes that may be approved by the Administrator.
- 3) If the Administrator refuses to approve a proposed change under subsection (d)(2), the Board shall review such proposal and determine whether to grant or deny the change.
- e) Assessment of the Riverboat Gaming Operation
- 1) After an applicant is found preliminarily suitable for licensing, the applicant's Riverboat Gaming Operation shall be assessed to determine its effectiveness, integrity, and compliance with law and Board standards.
- The matters to be assessed include:
 - The Gaming Operations Manager;
 - Proposed Gaming Operations and use of Gaming equipment;
 - The Riverboat, whether it is a self-propelled

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- excursion boat or permanently moored barge;
- Handicapped access;
 - Support Facilities;
 - Internal controls and operating procedures;
 - Security operations;
 - Staffing;
 - Casualty and liability insurance;
 - Affirmative action hiring patterns;
 - The status of the financing commitments proposed in the applicant's application;
 - Information received subsequent to the preliminary finding of suitability concerning the applicant and the applicant's Key Persons;
 - Riverboat capacity and Gaming positions;
 - Fulfillment of economic development plans as submitted in the application; and
 - Such other matters as the Board may require.
- B) The Board may establish a schedule setting a timetable for the satisfactory compliance for all operations to be assessed.
- 2) The Administrator shall report to the Board concerning whether the applicant has satisfactorily complied with subsection (e) of this Section.
- 3) After receipt of the Administrator's report, the Board shall determine whether to authorize a final practice Gaming excursion.
- E) Final Practice Gaming Session ~~Excursion~~
- The Board may authorize the Administrator to conduct a final practice Gaming session ~~excursion~~ and to issue the applicant a Temporary Operating Permit if the final practice Gaming session ~~excursion~~ is successfully completed.
- In determining whether a final practice Gaming session ~~excursion~~ has been successfully completed, the Administrator shall assess, among other matters, the effectiveness, safety and security of the Riverboat Gaming Operation as well as the matters listed in subsection (e)(1)(A) above.
 - If the Administrator determines that the final practice Gaming session ~~excursion~~ has not been successfully completed, he shall so report to the Board.
 - If the Administrator determines that the final practice Gaming session ~~excursion~~ has been successfully completed, he shall:
 - Upon delivery of the applicant's license fee and a file stamped copy of the applicant's \$200,000 bond to the State of Illinois posted with the Board, issue the applicant a Temporary Operating Permit; and
 - Report to the Board.
 - A Temporary Operating Permit allows the applicant to operate the Riverboat Gaming Operation to which it pertains until it is withdrawn or the Board takes action on the application.

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5) A Temporary Operating Permit may be withdrawn by the Administrator if he determines that the Riverboat Gaming Operation to which it pertains is not suitable for continued operation. If the Administrator withdraws a Temporary Operating Permit, he shall so report to the Board.

g) Action of the Board

1) If the Board finds the applicant suitable for licensing, it shall issue the applicant a license.

2) If the Board finds the applicant not suitable for licensing, it shall:

A) Issue the applicant a Notice of Denial by certified mail or personal delivery; and

B) If the applicant has been issued a Temporary Operating Permit, return the applicant's license fee.

h) Notice of Denial

1) An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.405.

2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's application.

(Source: Amended _____ at 23 Ill. Reg. 1037, effective _____)

Section 3000.232 Undue Economic Concentration

a) In addition to considering all other requirements under the Act and this Part, in deciding whether to approve direct or indirect ownership or control of an Owner's license the Board shall consider the impact of any economic concentration of the ownership or control. No direct or indirect ownership or control shall be approved and no Owner's license shall be issued or transferred to or held by any person or entity if the Board determines that approval, issuance, transfer or holding will result in undue economic concentration in the direct or indirect ownership or control of riverboat gambling operations in Illinois.

b) For purposes of this Section, "undue economic concentration" means that a person or entity would have actual or potential domination of riverboat gambling in Illinois sufficient to:

1) substantially impede or suppress competition among holders of Owner's licenses;

2) adversely impact the economic stability of the riverboat casino industry in Illinois; or

3) negatively impact the purposes of the Act, including tourism, economic development, benefits to local communities, and State and local revenues.

c) In determining whether the issuance, transfer or holding, directly or indirectly, of an Owner's license will result in undue economic concentration, the Board shall consider the following criteria:

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1) The percentage share of the market presently owned or controlled by a person or entity, directly or indirectly, in each of the following categories:

- i) The total number of licensed riverboat casinos in Illinois;
- ii) Total riverboat casino square footage;
- iii) Number of persons employed in the riverboat gambling operation and any affiliated hotel operation;
- iv) Number of guest rooms in an affiliated hotel;
- v) Number of Electronic Gaming Devices;
- vi) Number of table games;
- vii) Net revenue and Adjusted Gross Receipts;
- viii) Table Win;
- ix) Electronic Gaming Device Win;
- x) Table Drop; and
- xi) Electronic Gaming Device Drop;

2) The estimated increase in the market shares in the categories in subsection (c)(1) above if the person or entity is approved, or is issued or permitted to hold the Owner's license;

3) The relative position of other persons or entities that own or control Owner's licenses in Illinois, as evidenced by the market shares of each license in the categories in subsection (c)(1) above;

4) The current and projected financial condition of the riverboat gaming industry;

5) Current market conditions, including proximity and level of competition, consumer demand, market concentration, and any other relevant characteristics of the market;

6) Whether the licenses to be issued, transferred or held, directly or indirectly, by the person or entity have separate organizational structures or other independent obligations;

7) The potential impact on the projected future growth and development of the riverboat gaming industry, the local communities in which licenses are located, and the State of Illinois;

8) The barriers to entry into the riverboat gambling industry, including the licensure requirements of the Act and this Part, and whether the issuance or transfer to, or holding, directly or indirectly, of, an Owner's license by the person or entity will operate as a barrier to new companies and individuals desiring to enter the market;

9) Whether the issuance or transfer to, or holding, directly or indirectly, of the license by the person or entity will adversely impact on consumer interests, or whether such issuance, transfer or holding is likely to result in enhancing the quality and customer appeal of products and services offered by riverboat casinos in order to maintain or increase their respective market shares;

10) Whether a restriction on the issuance or transfer of a license

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to, or holding, directly or indirectly, of, an additional license by the person is necessary in order to encourage and preserve competition in casino operations; and

11) Any other information deemed relevant by the Board.

(Source: Added at 23 Ill. Reg. 1037, effective 1/1/2000)

Section 3000.235 Transferability of Ownership Interest

a) An ownership interest in an entity with a finding of preliminary suitability or a holder of an Owner's license may only be transferred with leave of the Board. An ownership interest in a business entity, other than a publicly traded corporation, which has an interest in an entity with a finding of preliminary suitability or in a holder of an Owner's license, may only be transferred with leave of the Board.

1) Any individual or entity filing an application for transfer of any ownership interest in an entity with a finding of preliminary suitability or in a holder of an Owner's license, must complete a Business Entity Form of Personal Disclosure Form 1, and any other information specifically requested by the Board. The information which will form the basis of Board investigation to determine suitability of the person or entity seeking transfer. All costs associated with Board investigation of the applicant for transfer will be born by an entity with a finding of preliminary suitability or by the holder of an Owner's license in which the transfer of ownership interest in which is being sought.

2) Board decision as to suitability for transfer will be based on the same criteria as for a finding of preliminary suitability for licensure under Section 3000.230(C) ~~44727(A)-and-44727(B)~~.

3) If the Board denies the application for transfer, it shall issue the applicant a Notice of Denial. An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.405. If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the application for transfer.

b) An ownership interest in an entity with a finding of preliminary suitability or in a holder of an Owner's license may only be pledged as collateral with leave of the Board.

c) Transferability of Ownership in Publicly traded parent corporation. The Board shall (unless the investor qualifies as an institutional investor) require a Business Entity Form of Personal Disclosure Form 1 from any person or entity who or which, individually or in association with others, acquires directly or indirectly, beneficial ownership of more than 5% of any class of voting or non-voting with conversion rights securities of a publicly traded corporation which holds an ownership interest in the holder in an entity with a finding of preliminary suitability or in the holder of an Owner's license. The

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Business Entity Form of Personal Disclosure Form 1, and any other information specifically requested by the Board, will form the basis of the Board investigation to determine suitability of the person or entity seeking transfer. All costs associated with Board investigation of the applicant for transfer will be born by the entity with a finding of preliminary suitability or by the holder of an Owner's license in which the publicly traded corporation holds a beneficial interest.

1) Board decision as to suitability for transfer will be based on the criteria for a finding of preliminary suitability for licensure under Section 3000.230(C) ~~44727(A)-and-44727(B)~~.

2) If the Board denies the application for transfer, it shall issue the applicant a Notice of Denial. An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.405. If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the application for transfer.

3) Commencing as of the date the Board issues a Notice of Denial, it shall be unlawful for the applicant served with the Notice of Denial:

- A) to receive any dividends or interest upon any such securities;
- B) to exercise, directly or indirectly, any right conferred by such securities; and/or
- C) to receive any remuneration in any form from any person or entity holding any license pursuant to the Act for services rendered or otherwise.

4) Within ~~thirty~~ 30 calendar days after the earlier of either (i) the failure of an applicant served with a Notice of Denial to request a hearing or (ii) the issuance of a final order pursuant to Subpart D, the holder of the affected Owner's license shall purchase all of the interests in the holder of the Owner's licenses from such disqualified person or entity, and the disqualified person or entity shall sell all of his/its interest in the holder of the Owner's license to the licensee at the lesser of the market price or purchase price of such interests in the holder of the Owner's license.

(Source: Amended at 23 Ill. Reg. 1037, effective 1/1/2000)

Section 3000.236 Owner's License Renewal

Upon the expiration of an initial Owner's license, or following a one year license renewal period, a license may be renewed for a period determined by the Board, pursuant to Section 3000.237, of up to 4 years, one-year-period subject to the provisions of the Act, Sections 3000.236 and 3000.237, and the other Board rules contained in this Part ~~this Section 3000.236~~.

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a) The renewal requirements shall include the following:

- 1) Beginning with the initial renewal application the licensee shall submit an owner's renewal application and the requisite Business Entity and Personal Disclosure Forms. The owner licensee shall submit disclosure information pursuant to Section 3000.222(e)(2) from each Key Person who has previously filed a Business Entity or Personal Disclosure Form, updating, and attesting to the veracity of information on the previously filed Business Entity or Personal Disclosure Form and setting forth any required additional or different information than previously submitted. Nothing in this Section shall be interpreted to alter the ongoing duty to disclose changes in information;
- 2) Unless a later date is authorized in writing by the Administrator, materials submitted pursuant to this Section shall be provided in triplicate at least 90 ninety days prior to the expiration of the Owner's license, and must be accompanied by the required annual licensing fee; and
- 3) As part of its renewal submission, the licensee shall provide documentation of the following:
 - A) Measures taken by the licensee to assure compliance with the Act and the rules promulgated thereunder;
 - B) Adherence to the economic development purposes and requirements of the Act, including conformance to specific commitments made in conjunction with an initial application or subsequent renewal applications;
 - C) Adherence to specific conditions or requirements adopted by the Board at the time a previous renewal was authorized;
 - D) Ability to maintain a financially viable gaming entity;
 - E) Any specific plans for changes in the financing, ownership, or structure of the licensee and its substantial owner(s);
 - F) An assessment of the economic impact of the gaming operation on employment, business and economic development related to the State of Illinois and related to the area of the State in which the gaming operation is conducted;
 - G) Information relating to the licensee's or its substantial owners' involvement in gaming in other jurisdictions;
 - H) Verification of tax filings with the Illinois Department of Revenue during the preceding licensing period;
 - I) Summary of all litigation to which licensee is or was a party during the preceding licensing period;
 - J) Responses to specific questions or concerns raised by the Board in its renewal investigation and review process; and
 - K) Evidence of continued support of the licensee from its community.
- b) The Board shall base its renewal of an Owner's license upon:
 - 1) The timeliness and responsiveness of the information submitted by the holder of a license as required pursuant to Section 3000.226;
 - 2) The Board's analysis of the owner licensee's Gaming operations,

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including the nature, frequency, extent and any pattern of past violations of the Act and this Part; and

- 3) The financial status and the current and projected financial viability of the entity;
- 4) Information on the background, character and integrity of the Key Persons, owners, directors and partners of the entity;
- 5) The owner licensee's pattern of compliance exhibited through quarterly, special and annual compliance reviews or audits performed by the Board staff or contract audit firms;
- 6) The licensee's commitment to economic development in the community and in Illinois;
- 7) The overall adherence of the licensee to all requirements of the Act and this Part; and
- 8) Any other information the Board deems appropriate.

c) Action of the Board

- 1) The Board shall act at a public meeting on the renewal of an Owner's license and may afford representatives of the licensee and members of the general public an opportunity for commenting upon the renewal.
- 2) If the Board decides to deny license renewal or restrict the term of renewal to less than 4 years, it shall direct the Administrator to issue a Notice of Denial or Restriction to the licensee by certified mail or personal delivery.
- d) Request for Hearing
 - 1) An owner licensee served with a Notice of Denial or Restriction may request a hearing in accordance with Section 3000.405.
 - 2) If a hearing is not requested, the Notice of Denial or Restriction becomes the final order of the Board denying the owner licensee's application for renewal or restricting the term of renewal to less than 4 years, as the case may be.

(Source: Amended at 23 Ill. Reg. 1027 - effective 1/1/2000)

Section 3000.237. Renewed Owner's Licenses, Term and Restrictions

- a) Unless otherwise provided by the Board pursuant to this Section, renewed Owner's licenses shall be for a term of 4 years.
- b) Upon issuing a renewed Owner's license, the Board may restrict the term of the renewal to any period of less than 4 years, and may impose additional restrictions and conditions on the renewed license. In deciding whether to issue a restricted license, the Board shall consider:
 - 1) The standards applied under Section 3000.236(b) in renewing a license.
 - 2) The business practices and regulatory history in Illinois and other jurisdictions of the licensee, its Key Persons and affiliates.

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- 3) The licensee's reputation and associations; and
 4) Any other information considered by the Board to be relevant to renewal of the license.

c) If, at the conclusion of a renewal period for licensees restricted on renewal, the Board deems that the licensee has addressed or corrected the reasons for the restriction, the Board may renew the license for up to 4 years. If the Board determines the licensee has not corrected the reasons for the restriction, the Board may issue another license restricted on renewal, refuse to renew the license, or impose other disciplinary action authorized under Section 5 of the Act.

d) During the term of any Owner's license that is for more than one year, the licensee shall annually submit the fee required under Section 3000.210, together with an affidavit attesting to the accuracy of all information previously submitted to the Board, certifying any changes in the information previously submitted, and verifying the following information:

- 1) Any and all past or pending disciplinary action taken against the licensee or its parent corporation, or parent's subsidiaries, in other jurisdictions;
- 2) The most recent year end financial statements, and the most recent Form 10K and 10Q filings with the Securities and Exchange Commission by the licensee and its parent company if they are publicly held corporations;
- 3) Disclosure of any past or pending material litigation involving the licensee, its parent corporation and subsidiaries, and any key persons;
- 4) Any plans for changes in the financing, ownership or organization of the licensee;
- 5) Compliance by the licensee in making all required payments of Federal and State taxes; and
- 6) Any additional information required by the Board.

e) Any bankruptcy, liquidation, reorganization, cessation of gaming operations, or substantial change in the ownership or control of an Owner's license, or an event that adversely affects the character, reputation or financial integrity of the licensee, at any time during the 4 year term of a licensee, or any restricted term of less than 4 years, may cause the Board to suspend, restrict or revoke the license and impose other discipline authorized under Section 5 of the Act. The Board may assign the licensee a restricted license and impose other conditions appropriate to the circumstances and deemed necessary by the Board to maintain public confidence in the credibility and integrity of a riverboat gaming operation as required by Section 2(b) of the Act.

(Source: Amended at 23 Ill. Reg. 3037 effective JAN 17 2000)

SUBPART E: CRUISING BREUGRSIONS

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Section 3000.500 Riverboat Cruises Time of Excursion

a) Except as provided in this Section and in Section 3000.507, no Gaming may start be conducted while a Riverboat is docked, in the event the holder of an Owner's license decides to cruise, the A Riverboat captain shall decide whether to cancel or disrupt a cruise.

b) A Gaming excursion shall be deemed to have started upon the commencement of Gaming.

c) For the purpose of orderly ingress of passengers to a Riverboat, in the event of a cruise, the owner licensee shall schedule the time Gaming shall be deemed to commence when the first passenger boards a Riverboat for an excursion and may continue while other passengers are boarding for a period not to exceed thirty (30) minutes at which time the gangplank or its equivalent shall be raised and further boarding shall not be permitted.

d) For the purpose of orderly egress of passengers from a Riverboat at the end of a cruise in excursion, the holder of the Owner's license shall schedule the time at which Gaming may continue for a period not to exceed thirty (30) minutes after the gangplank or its equivalent is lowered. During this thirty (30) minute period of egress, new passengers may not board a Riverboat.

e) The route any Riverboat takes during a cruise must be approved by the Board.

f) The periods of ingress and egress shall not extend the four-hour maximum period during which Gaming may be conducted during a Gaming

(Source: Amended at 23 Ill. Reg. 3037 effective JAN 17 2000)

Section 3000.510 Excursions During Cancelled or Disrupted Cruises Violations and Fines

a) In the event of a scheduled cruise where if a Riverboat captain reasonably determines that either of the following circumstances exist, he shall either not leave the dock or immediately return thereto:

- 1) The captain deems it unsafe to transport passengers on the waterway due to inclement weather; or
- 2) The Riverboat has been rendered temporarily inoperable by river icing or unreasonably mechanical or structural difficulties. In the case of unforeseeable mechanical or structural difficulties, the holder of an Owner's license shall make all reasonable effort to remedy the problem promptly.

b) If a Riverboat captain reasonably determines for reasons of safety that although seaworthy, the Riverboat should not leave the dock or should return immediately thereto due to the above conditions, a Gaming excursion may commence or continue while the gangplank or its equivalent is raised and remains raised in which event the Riverboat

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shall not be considered docked---if due to any of the conditions listed in subsection (a)(1) or (a)(2)--a gaming excursion must commence or continue with the gangplank or its equivalent raised and the riverboat does not leave the dock; ingress is prohibited until the completion of the excursion.

c) Once a Riverboat Captain has determined that circumstances set forth above have occurred, the Riverboat shall not depart from the dock for the scheduled excursion or the remainder of an excursion period whichever is applicable.

d) For reasons of extraordinary and unforeseeable matters involving security, personal health or safety, a ship captain may delay a scheduled departure from the dock or return to the dock before the end of the scheduled excursion. During this disrupted excursion period, ingress may be conducted. However, no new gaming passengers may board during this disrupted excursion period.

e) If a Riverboat Captain deems it necessary to take any action specified in this Section, the holder of an Owner's license shall promptly file with the Administrator a report detailing the basis for such action.

f) Any holder of an Owner's license who conducts gaming in violation of this Section or Section 3000-500 shall be fined an amount determined as follows:

the number of admissions for the gaming excursion in violation as a percentage of the total admissions for the gaming day multiplied by the Adjusted Gross Receipts for that gaming day.

Repeated violations of this Section or Section 3000-500 may result in more severe disciplinary action authorized under Section 5 of the Act.

(Source: Amended at 23 Ill. Reg. 1007 effective JAN 13 2000)

Section 3000.1071 Admission Tax and Wagering Tax

a) Each holder of an Owner's license ("licensee") is subject to tax liability assessment for each Gaming Day for the Admission Tax and the Wagering Tax imposed under the Act.

b) Admission and Wagering Taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each licensee shall maintain an account with sufficient funds to pay, in a timely fashion, all tax liabilities due under the Act. The account shall be maintained at a financial institution capable of making payments to the State under the electronic funds transfer requirements imposed by the State.

c) Admission and Wagering Tax liability shall be established on the basis of a Gaming Day. Each licensee shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day for that licensee. A Gaming Day may begin on one calendar day and end

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the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24 hour period selected in advance by the licensee. d) The Administrator shall prescribe and make available to each licensee forms, instructions and reporting requirements for Admission and Wagering Taxes. The required forms include the Daily Tax Schedules. The Daily Tax Schedules may be provided by the Administrator to licensees in computer-based format and include a computer program that, upon input by the licensee of requisite data, provides for the calculation of tax reporting information and tax liability. Daily Tax Schedules shall be completed for each Gaming Day. The monthly final adjustment shall be completed on the Daily Tax Schedule for the final Gaming Day of each month.

e) The Daily Tax Schedules must be filed with the Board no later than 12:00 noon on the Due Date. Admission and Wagering Tax payments shall be transferred electronically on the Due Date to the Board's designated financial institution by the end of that financial institution's business day 9:00 p.m. on the Due Date. For purposes of tax schedules and tax payments, the Due Date shall be defined as one bank business day after the close of the Gaming Day for which the liability is established. For example, if the Gaming Day of a licensee ends at 2:00 a.m. on a Tuesday (i.e., the end of a Gaming Day that began on Monday), the Due Date is the Wednesday which follows, unless that Wednesday is not a bank business day, in which case the subsequent bank business day is the Due Date.

f) The Admission Tax for a Gaming Day shall be calculated and imposed as provided in Section 12 of the Act. The admission tax is imposed at a rate of \$2 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling. The admission tax shall be paid for each admission. [230 ILCS 10/12(a)]

g) For any Gaming Day that commenced on or before December 31, 1997, the Wagering Tax imposed on a licensee shall be calculated at 20% of Adjusted Gross Receipts for any Gaming Day that commences after December 31, 1997, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 15% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 20% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 3) 25% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 4) 30% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000; and
- 5) 35% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000.

h) Daily Tax Schedules shall include all information necessary for adjustments and reconciliation of tax liability and shall be subject to audit by the Board and its audit agents. Adjustments to previously

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reported tax information shall be made by the licensee, except that no adjustment of \$25,000 or more shall be made to previously reported Adjusted Gross Receipts without the prior written approval of the Administrator or the Administrator's designee.

- i) Any adjustment for a Gaming Day which commenced on or before December 31, 1997, shall be authorized by the Administrator or the Administrator's designee, and shall be taxed at a rate of 20% of Adjusted Gross Receipts. Any adjustment for a Gaming Day that commences after December 31, 1997, shall be taxed at the graduated tax rate applicable to the Gaming Day upon which the adjustment is effected.
- j) In the event that a Daily Tax Schedule for a specific Gaming Day properly reflects a net wagering loss experienced by the licensee, an adjustment for the amount of any remaining net wagering loss (negative Adjusted Gross Receipts) shall be carried forward on the subsequent Daily Tax Schedules until such loss is offset by Gaming win (positive Adjusted Gross Receipts).
- k) All Admission Taxes and Wagering Taxes paid pursuant to the requirements of the Act shall be deposited by the Board into the State Gaming Fund. The Board shall from time to time transfer excess funds in the State Gaming Fund to the Education Assistance Fund. The Board shall determine the amount of excess funds subject to transfer based upon the difference between the State Gaming Fund balance and the outstanding obligations, including any outstanding share of Admission and Wagering Taxes due to local governments, the Horse Racing Equity Fund, a home rule county with a population over 3,000,000, and the Universities Athletic Capital Improvement Fund. The Administrator will be responsible for calculating the allocation of the Admission and Wagering Taxes between the State and the unit of local government designated as the home dock of the Riverboat and other required allocations. Payments for Admission Taxes shall be made by the Board to units of local government quarterly, and payments for Wagering Taxes and all other payments shall be made monthly, by voucher/warrant, subject to appropriation.
- l) A licensee's failure to comply with the provisions of this Section may subject the licensee to penalty and interest amounts pursuant to the Uniform Penalty and Interest Act [35 ILCS 735]. The Administrator is authorized to waive any penalty and interest for the late filing of a tax schedule or late tax payment, if the licensee can show good cause. "Good cause" shall include, but not be limited to, detection and correction of a deficiency in filing or payment that resulted from a documented inadvertent or unintentional error that was corrected within one business day of the applicable Due Date. The licensee shall be notified by the Administrator in writing of any penalty or interest payable because of a late tax schedule filing or late tax payment. The licensee may, within 10 business days after receiving the notice, file a written request for a waiver with the Administrator. The Administrator shall act on the request for waiver

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and notify the licensee in writing of the decision within 15 calendar days after receiving the request. If the Administrator fails to act within the 15 day period the waiver is deemed granted. If the Administrator denies the request for waiver the licensee may ask the Board for a hearing. The request for hearing must be in writing and filed not later than 15 calendar days after receipt of the notice of denial. Except as provided in this subsection (1), the provisions for hearings under Subpart D shall apply to any hearing conducted under this Section. A hearing under this Section is not a disciplinary hearing under Subpart K of this Part.

(Source: Amended, at 23 Ill. Reg. 208.0, effective JAN 11 2001)

DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Adopted Action:
50.230 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. I through IX and 12-13).
- 5) Effective Date of Amendments: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 3, 1999 (23 Ill. Reg. 10778)
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The following change was made in the text of the proposed amendments:
 1. In Section 50.230(b)(3), "(b)(3)" was added after "subsection".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: Pursuant to provisions of P. A. 91-0509, these amendments expand the criteria for non-TANF families to receive a child care subsidy while participating in education or training.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective JAN 15 2000.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to

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children under age 20 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.

- b) Parents and other relatives eligible to receive child care services include:

- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.
- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose annual incomes do not exceed the following amounts by family size:

Family Size	Annual Income
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131
6	\$34,288
7	\$35,067
8	\$35,846

- 3) Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child care services in order to attend a school or training (up to and including the acquisition of a Bachelor's Degree) and whose annual income does not exceed the annual income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the paid work, self-employment and education or training activity, including class hours and research,

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laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$7.5 million. Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child-care services in order to attend school (up to and including the acquisition of a Bachelor's degree) and whose annual incomes do not exceed the annual income ceilings in subsection (b)(3) of this Section provided the parent works 25 hours per week in a paying job. Effective October 1, 1999, the parent must work 30 hours per week in a paying job. No parent can receive more than two years of service under this subsection including any child care received for training under the "grandfather" provision during FY 1998. Child care provided to a teen parent to obtain a high school degree or its equivalent does not count against this two-year limit. Eligibility for child care under this subsection ceases for any month in which the parent does not work 25 hours per week in a paying job. Effective October 1, 1999, eligibility for child care under this subsection ceases for any month in which the parent does not work 30 hours per week in a paying job. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Applications to receive child care under this subsection will be denied when the projected annual costs for enrolled participants reaches \$7.5 million.

- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin on the first day of the month before the month in which the application is received by the Department or its agents.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 24 Ill. Reg. 1058 effective JAN 1, 1999)

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- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Proposed Action: Amended 720.111
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) Effective date of amendments: January 6, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments update the version of the Federal Clean Water Act analytical procedures of 40 C.F.R. 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. USEPA amended 40 C.F.R. 136 on February 2, May 14, and June 8, 1999. The present amendments add references to those federal amendments.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 2, 1999, in docket R00-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 8, 1999, 23 Ill. Reg. 12087
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 23, 1999, in docket R00-5, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 2, 1999, in docket R00-5, adopting the amendments.

720.111 "NTIS, Method	JCAR	Added closing quotation mark after "gravimetry"; corrected spelling of "document."
164"		

POLLUTION CONTROL BOARD

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720.111 "NTIS, Method JCAR Deleted comma from "August 1993" 164"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 2, 1999, adopting amendments in docket R00-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R00-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the single update period. The docket and time period that is involved in this proceeding is the following:

R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999, through June 30, 1999.

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the Federal actions in the update period:

64 Fed. Reg. 3381 (January 21, 1999) USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.

64 Fed Reg. 6806 (February 11, 1999) USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.

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64 Fed. Reg. 25407 (May 11, 1999) USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions: its

May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbonate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these Federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the Federal Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second Federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975 (February 2, 1999) USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315 (May 14, 1999) USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417 (June 8, 1999) USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the

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following USEPA amendments:

64 Fed. Reg. 3381 Subpart CC clarifying and corrective amendments. (January 21, 1999)

64 Fed. Reg. 4975 Whole effluent toxicity testing amendments. (February 2, 1999) (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 25407 Phase IV LDR corrections and clarifications. (May 11, 1999) (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315 Oil and grease testing amendments. (May 14, 1999) (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417 Mercury in water testing amendments. (June 8, 1999) (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 720 implement segments of the federal amendments of February 2, May 14, and June 8, 1999, to 40 C.F.R. 136, incorporated by reference in 35 Ill. Adm. Code 722.111.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6324

Request copies of the Board's opinion and order of December 2, 1999, from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope, and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.123 Petitions for Regulation as Universal Waste
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9123, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5655, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000.

SUBPART B: DEFINITIONS

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 734, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

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"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment", Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90. Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87. Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D 93-85. Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90. Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

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ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE, Methods Information Communication Exchange Service, 703-821-4590;

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update IIIA (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. 202-512-1800 202-793-3236;

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Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. 703-605-6000 or 800-553-6847 793-407-4699:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (Document number PB 88-170766).

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HDM; Non-polar Material) by Extraction and Gravimetry." Document number PB99-121949.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983 (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations",

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December, 1990 (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March, 1993 (Document Number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July 1993), II (September 1994), III (January 1995), IV (October 1995), V (September 1996), and IIIA (April 1998) (Document Number 955-001-00000-1).

OECD, Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6035.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Fally Gailey Record (DD Form 1907), as in effect on November 8, 1995.

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Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E. Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #P-94-IEHP-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401,

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202-783-3238:

- 10 CFR 20, Appendix B (1998)
40 CFR 51.100(i) (1998)
40 CFR 51, Appendix W (1998)
40 CFR 52.741, Appendix B (1998)
40 CFR 60 (1998)
40 CFR 61, Subpart V (1998)
40 CFR 63 (1998)
40 CFR 136 (1998), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 4416 (Aug. 18, 1998) and amended at 63 Fed. Reg. 50387 (Sep. 2, 1998), 64 Fed. Reg. 4975 (Feb. 2, 1999), 64 Fed. Reg. 26315 (May 14, 1999), and 64 Fed. Reg. 30417 (June 8, 1999)
40 CFR 142 (1998)
40 CFR 220 (1998)
40 CFR 232.2 (1998)
40 CFR 260.20 (1998)
40 CFR 264 (1998)
40 CFR 268.41 (1990)
40 CFR 268, Appendix IX (1998)
40 CFR 270.5 (1998)
40 CFR 302.4, 302.5, and 302.6 (1998)
40 CFR 761 (1998)
49 CFR 171 (1998)
49 CFR 173 (1998)
49 CFR 178 (1998)

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c) Federal Statutes

- Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.
Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.
Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 24 Ill. Reg. 1063 effective January 6, 2000)

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- 3) Section Numbers:
725.980 Proposed Action:
725.984 Amended
725.985 Amended
725.987 Amended

- 4) Statutory authority: 415 ILCS 5/7-2, 22-4, and 27.

- 5) Effective date of amendments: January 6, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 725 includes incorporations by reference, the present amendments do not affect those incorporations.

- 8) Stability of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 2, 1999, in docket R00-5, and all materials incorporated by reference are, file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in Illinois Register: October 8, 1999, 23 Ill. Reg. 12100

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 23, 1999, in docket R00-5, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 2, 1999, in docket R00-5, adopting the amendments.

- | | | |
|---------------|--|--|
| 725.997(e)(6) | JCAR | Corrected cross-reference from "this subsection" to "this subsection (e)(6)" |
| 12) | Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the | |

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- Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect?
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 2, 1999, adopting amendments in docket R00-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R00-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the single update period. The docket and time period that is involved in this proceeding is the following:

- R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999, through June 30, 1999.

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

- 64 Fed. Reg. 3381 USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC (January 21, 1999) and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.

- 64 Fed Reg. 6806 USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste. (February 11, 1999)

- 64 Fed. Reg. 25407 USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions, as May 11, 1999 (62 Fed. Reg. 23998) and May 26,

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1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbamate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent polyners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the amendments to the RCRA Subtitle C update docket, R99-15, which the Board completed on June 11, 1999. The Board also completed R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975 (February 2, 1999)
USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315 (May 14, 1999)
USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417 (June 8, 1999)
USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

64 Fed. Reg. 3381 (January 21, 1999)
Subpart CC clarifying and corrective amendments.

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64 Fed. Reg. 4975 (February 2, 1999)
Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 25407 (May 11, 1999)
Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315 (May 14, 1999)
Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417 (June 8, 1999)
Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 725 implement segments of the federal January 21, 1999 Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 2, 1999, from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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APPENDIX E Examples of Potentially Incompatible Waste

APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)
AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 18354, effective November 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 28, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078,

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effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to Subpart I, J, or K of this Part except, as Section 725.101 and subsection (b) of this Section provide otherwise.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:
 - 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
 - 2) A container that has a design capacity less than or equal to 0.1 m³ (3.5 ft³) or 26.4 gal.
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit generated as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.

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- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(1), except as provided in Section 725.983(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.
- c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:
- 1) The requirements of 35 Ill. Adm. Code 724-Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.
 - d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(1), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
 - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
 - 2) The owner or operator prepares documentation, in accordance with Section 725.990(1), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this

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- Section.
- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.
- (Source: Amended at 24 Ill. Reg. 1076 effective January 6, 2000)
- Section 725.984 Waste Determination Procedures**
- a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
 - A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
 - B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).
 - 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.
 - 3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.
 - A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

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- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner **such** that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
- ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iv) Sufficient information, as specified in the "site sampling plan" required under subsection

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- (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 10^{-4} mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 X/X) (which can also be expressed as 1.8 X 10(-6) atmospheres/gram-mole/m(3)) at 25° C (77° F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data concentration-of-each-individual-chemical constituent measured in the waste by a method other than Method 25D may be corrected to the corresponding average VO concentration value that it would have been obtained had the waste samples at been analyzed measured using Method 25D. To adjust these data, by multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (fm25D)---as specified in subsection (a)(4)(f) of this Section. If the

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owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 m^3/X at 25° C contained in the waste. Constituent-specific adjustment factors (fm2SD)) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill.

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Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations.

- i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \times \sum_{i=1}^n Q(i) \times CM(i)$$

Where:

- \bar{C} = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.
- i = Individual waste determination "i" of the hazardous waste.
- n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).
- Q(i) = Mass quantity of the hazardous waste stream represented by C(i), in kg/hr.
- Q(T) = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.
- C(i) = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.

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- ii) For the purpose of determining C(1), for individual waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) of this Section.
- E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).
- F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:
- i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.
 - ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- G) VO concentrations below the limit of detection must be considered to be as follows:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.
- ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 V/X) (which can also be expressed as 1.8×10^{-6} atmosphere/gram-mole/m(3)) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format

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- requirements.
- 4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.
 - A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.
 - B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.
 - C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f(25D)).
 - D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the

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requirements of subsection (a)(3)(C) of this Section.

- b) Waste determination procedures for treated hazardous waste.
- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.
 - a) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.
 - B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.
 - 2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.
 - 3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.
 - A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.
 - B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
 - i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
 - ii) A sufficient number of samples, but no fewer than four

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samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of

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waste origination or the point of waste entry to the treatment system to determine if the conditions of 35 Ill. Adm. Code 720.98(c)(2)(A) through (c)(2)(F) or Section 720.98(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least

10⁻⁶ mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10⁻⁶ atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the corresponding average VO concentration value that it would have had been obtained, had it the waste samples been analyzed measured using Method 25D. To adjust these data, by multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f(m25D))--as specified in subsection (a)(4)(f) of this Section. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific

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adjustment factors (f(m25D)) can be obtained by contacting the USEPA Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
- vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to

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1.30. Other Sections of Method 301 are not required.

- D) Calculations. The average VO concentration \bar{C} (C) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \times \sum_{i=1}^n Q(i) \times C(i)$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed 1 year).

$Q(i)$ = Mass quantity of the hazardous waste stream represented by $C(i)$, in kg/hr.

$Q(T)$ = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

$C(i)$ = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii) of this Section), in ppmw.

- E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance must ~~shall~~ be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

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- 4) Procedure to determine the exit concentration limit $C(t)$ for a treated hazardous waste.

- A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- B) If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit $C(t)$ must be 500 ppmw.
- C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit $C(t)$ must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^m Q(x) \times \bar{C}(x) + \sum_{y=1}^n Q(y) \times 500 \text{ ppmw}}{\sum_{x=1}^m Q(x) + \sum_{y=1}^n Q(y)}$$

Where:

$C(t)$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

m = Total number of "x" hazardous waste streams treated by process.

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n = Total number of "y" hazardous waste streams treated by process.

Q[x] = Annual mass quantity of hazardous waste stream "x", in kg/yr.

Q[y] = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q[b]) and the mass quantity of each hazardous waste stream exiting the process (Q[a]) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C[b]) during the run must be determined in accordance with the requirements of subsections (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C[a]) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.

D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

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$$E[b] = \frac{1}{10(6)} \sum_{j=1}^m Q[b_j] \bar{C}[b_j]$$

$$E[a] = \frac{1}{10(6)} \sum_{j=1}^m Q[a_j] \bar{C}[a_j]$$

Where:

E[a] = Waste volatile organic mass flow exiting the process, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[b_j] = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q[a_j] = Average mass quantity of waste exiting the process during run "j", in kg/hr.

$\bar{C}[a_j]$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection(b)(3) of this Section, in ppmw.

$\bar{C}[b_j]$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (b)(3) of this Section, in ppmw.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following

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equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

R = Organic reduction efficiency, in Percent.

E[b] = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

6) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream

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at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section.

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^n [V[y] \times k[y] \times \frac{\bar{C}[y] - 500 \text{ppmw}}{10(6)}]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3)

$\bar{C}[y]$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in

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ppmw.

- 8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.
- The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
 - The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
 - The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

- 9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section, respectively, and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

MR[bio] = Actual organic mass biodegradation rate, in kg/hr.

E[b] = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using tank level 1 controls in accordance with standards specified in Section 725.985(c).
- An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.
- Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.
 - Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An

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example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," US EPA Publication No. SW-845, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Method 25E in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;
- ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;
- iii) Methods obtained from standard reference texts;
- iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- v) Any other method approved by the Agency.

4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:

- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
- 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range

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of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

- 3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 7) Each potential leak interface must be checked by traversing the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic

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emissions.

(Source: Amended at 24 Ill. Reg. **1076** effective January 6, 2000)**Section 725.985 Standards: Tanks**

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements as applicable:
 - i) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the tank Level 1 controls specified in subsection (c) of this Section or the tank Level 2 controls specified in subsection (d) of this Section.
 - A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);
 - ii) For a tank design capacity equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or
 - iii) For a tank design capacity less than 75 m(3) (2649 ft(3) or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).
 - B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.
 - C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.361.
- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2

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- controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.
- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:
 - 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.
 - 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
 - B) The fixed roof must be installed in such a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
 - C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof must be either:
 - i) the opening or manifold system is equipped with a closure device designed to operate so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
 - ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in

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the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

- i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

- ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 265.985(c)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

- A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker

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needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

- B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (1) of this Section.

- C) In the event that a defect is detected, the owner or

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operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using tank level 2 controls shall use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;
- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
- ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim

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space vents, column wells, ladder wells, sample wells, and stub drains.

- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

iv) Each automatic bleeder vent and rim space vent must be gasketed.

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

- 2) The owner or operator shall operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.

B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

- i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and

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roof hatches) at least once every 12 months after initial fill, and

ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (K) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in

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Section 725.990(b).

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

a) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

b) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters (24 inches) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).

c) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or

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fastened when the cover is secured in the closed position.

- iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
- v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

- vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

- vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

- viii) Each slotted guide pole must be equipped with a gasketed float or other device that which closes off the liquid surface from the atmosphere.

- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

- D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

- E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

- F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

- H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

- 3) The owner or operator shall inspect the external floating roof in

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accordance with the procedures specified as follows:

- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

- i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

- ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

- iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.

- iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.

- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.

- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank

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becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection

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(f)(3)(B)(iv) of this Section:

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/4-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

9) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate

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so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - ii) To remove accumulated sludge or other residues from the bottom of a tank.
- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:
- A) The fixed roof and its closure devices must be visually

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inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.
- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.
- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

- 1) The tank must ~~shall~~ be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.
- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).
- 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere, except under either of the following two conditions: in-the-event-that-a-safety-device-as-defined-in-Section-725-981r-is-required-to-open-to-avoid-an-unsafe-condition;

- A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in Section 725.981, is required to avoid an unsafe condition.

- B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 724.991.

- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in

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subsections (i)(1) through (i)(4) of this Section.

- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.
- 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.
- 3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.
- 4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.
- 5) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:
 - 1) Transfer of hazardous waste, except as provided in subsection (i)(2) of this Section to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 60, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The requirements of subsection (i)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:
 - A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).
 - C) The hazardous waste meets the requirements of Section

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725.983(c)(4).

- k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:
 - 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must ~~shall~~ be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- 1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
 - 1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
 - 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 24 Ill. Reg. 1076, effective January 6, 2000)

Section 725.987 Standards: Containers

- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.

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b) General requirements.

1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable 49 CFR Department of Transportation--USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing

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barrier is placed on or over the hazardous waste in the container so such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

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- i) Section, on the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container. Within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to be open are during those times when the internal pressure of the container exceeds the internal pressure operating range

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- for the container as a result of loading operations or diurnal ambient temperature fluctuations.
- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:
- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.
- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.
- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar

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days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal.) or greater, which do not meet applicable USDOP regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

- 1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable U.S.-Department-of-Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently opening the transfer line before removing it from the container opening.

- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the

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intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the

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cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on, or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and

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8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.
- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:

- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

- B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

- 2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or direct airflow into the enclosure. The owner or operator shall perform the verification

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procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable ~~U.S. Department of Transportation~~ ~~USDOT~~ regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers-General Requirements for Shipments and Packages"; and

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49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

g) To determine compliance with (h)(1)(B) of this Section, the procedure requirements of subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) The procedure procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section is as follows:

1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) A pressure measurement device must be used that has a precision of 12.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 24 Ill. Reg. 1.076 effective January 6, 2000)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: 722.134
Proposed Action:
Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: January 6, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 722 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 2, 1999, in docket R-005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 8, 1999 23 111. Reg. 12185
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 23, 1999, in docket R00-5, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 2, 1999, in docket R00-5, adopting the amendments.
- 722.134(f) Board Added comma before "unless" to offset a parenthetical

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice

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- or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 2, 1999, adopting amendments in docket R00-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- The R00-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the single update period. The docket and time period that is involved in this proceeding is the following:
- R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999, through June 30, 1999.
- The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:
- 64 Fed. Reg. 3381 USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC (January 21, 1999) and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.
- 64 Fed. Reg. 6806 USEPA adopted a temporary exemption of certain petroleum refining-related wastes (February 11, 1999) from the definition of hazardous waste.
- 64 Fed. Reg. 25407 USEPA adopted corrections and clarifications (May 11, 1999) to several of the Phase IV land disposal restriction (LDR) rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26,

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1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbamate ruler; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975 (February 2, 1999)
USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act and RCRA Act.

64 Fed. Reg. 26315 (May 14, 1999)
USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417 (June 8, 1999)
USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

64 Fed. Reg. 3381 Subpart CC clarifying and corrective (January 21, 1999) amendments.

64 Fed. Reg. 4975 Whole effluent toxicity testing amendments. (February 2, 1999) (Amendments to 40 C.F.R. 136.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

64 Fed. Reg. 25407 Phase IV LDR corrections and clarifications. (May 11, 1999) (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315 Oil and grease testing amendments. (May 14, 1999) (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417 Mercury in water testing amendments. (June 8, 1999) (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 722 implement segments of the federal January 21, 1999 Subpart CC amendments and the May 11, 1999 Phase IV LDR amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney Pollution Control Board
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 2, 1999, from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER 1: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
 GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
 722.110 Purpose, Scope and Applicability
 722.111 Hazardous Waste Determination
 722.112 USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
 722.120 General Requirements
 722.121 Acquisition of Manifests
 722.122 Number of Copies
 722.123 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
 722.130 Packaging
 722.131 Labeling
 722.132 Marking
 722.133 Placarding
 722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
 722.140 Recordkeeping
 722.141 Annual Reporting
 722.142 Exception Reporting
 722.143 Additional Reporting
 722.144 Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
 722.150 Applicability
 722.151 Definitions

POLLUTION CONTROL BOARD

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722.152 General Requirements
 722.153 Notification of Intent to Export
 722.154 Special Manifest Requirements
 722.155 Exception Reports
 722.156 Annual Reports
 722.157 Recordkeeping
 722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
 722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN
 THE OECD

Section
 722.180 Applicability
 722.181 Definitions
 722.182 General Conditions
 722.183 Notification and Consent
 722.184 Tracking Document
 722.185 Contracts
 722.186 Provisions Relating to Recognized Traders
 722.187 Reporting and Recordkeeping
 722.189 OECD Waste Lists

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in 881-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective

POLLUTION CONTROL BOARD

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November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9633, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1336, effective January 6, 2000.

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), or (f) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

1) The waste is placed in or on one of the following:

- A) In containers, and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart I, AA, BB, and CC; or
- B) In tanks, and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart J, AA, BB, and CC, except 35 Ill. Adm. Code 725.297(c) and 725.300; or
- C) On drip pads, and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
- D) In containment buildings, and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than

POLLUTION CONTROL BOARD

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90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
- 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).

b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (Agency procedural regulations).

c) Accumulation near the point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:
 - A) Accumulation with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a), ⁷ and
 - B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

During the three day period the generator must continue to comply with subsection (c)(1) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.301 Subpart 1 (except 35 Ill. Adm. Code 725.276 and 725.278);
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this section, 35 Ill. Adm. Code 725.301 Subpart C, and 35 Ill. Adm. Code 728.107(a)(5) 728.107(e)(4); and

5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this section. The employee is the emergency coordinator.
- B) The generator shall post the following information next to the telephone:
 - i) The name and telephone number of the emergency coordinator;
 - ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:
 - i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
 - iii) In the event of a fire, explosion, or other release

POLLUTION CONTROL BOARD

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that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and US EPA identification number (Section 722.112 of this Part) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

- e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this section.

- f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 24 Ill. Reg. 1136 effective January 6, 2000)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 724

- 3) Section Numbers:
 724.931 Amended
 724.980 Amended
 724.983 Amended
 724.984 Amended
 724.986 Amended

Proposed Action:

- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

- 5) Effective date of amendments: January 6, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 724 includes incorporations by reference, the present amendments do not affect those incorporations.

- 8) Stability of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 2, 1999, in docket R00-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in Illinois Register: October 8, 1999, 23 Ill. Reg. 12195.

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated September 23, 1999, in docket R00-5, and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 2, 1999, in docket R00-5, adopting the amendments.

724 source note	Board	Added "effective" to correct the reference to 895-20
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NOTICE OF ADOPTED AMENDMENTS

- 724.983(b)(1)(B) Board Corrected the cross-reference format to "Subsection 724.982(c)(2)" by removing a space

- 724.986(e)(6) JCAR Corrected cross-reference from "this subsection" to "this subsection (e)(6)"

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 2, 1999, adopting amendments in docket R00-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R00-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the single update period. The docket and time period that is involved in this proceeding is the following:

- | | |
|-------|--|
| R00-5 | Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999, through June 30, 1999. |
|-------|--|

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 3381 (January 21, 1999)	USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.
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64 Fed. Reg. 6806
(February 11, 1999)
USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.

64 Fed. Reg. 25407
(May 11, 1999)

USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332 administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbanate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975
(February 2, 1999)

USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315
(May 14, 1999)

USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

64 Fed. Reg. 30417
(June 8, 1999)
USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

64 Fed. Reg. 3381
(January 21, 1999)
Subpart CC clarifying and corrective amendments.

64 Fed. Reg. 4975
(February 2, 1999)
Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 25407
(May 11, 1999)
Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315
(May 14, 1999)
Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417
(June 8, 1999)
Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 724 implement segments of the federal January 21, 1999 Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 2, 1999, from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

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724.155
724.156

Emergency Coordinator
Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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724.171
724.172
724.173
724.174
724.175
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724.177

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

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724.190
724.191
724.192
724.193
724.194
724.195
724.196
724.197
724.198
724.199
724.200
724.201

Applicability
Required Programs
Groundwater Protection Standard
Hazardous Constituents
Concentration Limits
Point of Compliance
Compliance Period
General Groundwater Monitoring Requirements
Detection Monitoring Program
Compliance Monitoring Program
Corrective Action Program
Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
724.210
724.211
724.212
724.213
724.214
724.215
724.216
724.217
724.218
724.219
724.220

Applicability
Closure Performance Standard
Closure Plan; Amendment of Plan
Closure; Time Allowed For Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plan
Post-closure Care and Use of Property
Post-closure Care Plan; Amendment of Plan
Post-closure Notices
Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 11: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101
724.103

Purpose, Scope, and Applicability
Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110
724.111
724.112
724.113
724.114
724.115
724.116
724.117
724.118
724.119

Applicability
Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130
724.131
724.132
724.133
724.134
724.135
724.137

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Alert Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150
724.151
724.152
724.153
724.154

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan

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Section	Applicability
724.240	Definitions of Terms As Used In This Subpart
724.241	Cost Estimate for Closure
724.242	Financial Assurance for Closure
724.243	Cost Estimate for Post-closure Care
724.244	Financial Assurance for Post-closure Care
724.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.246	Liability Requirements
724.247	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.248	Wording of the Instruments
724.251	

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	Applicability
724.270	Condition of Containers
724.271	Compatibility of Waste With Container
724.272	Management of Containers
724.273	Inspections
724.274	Containment
724.275	Special Requirements for Ignitable or Reactive Waste
724.276	Special Requirements for Incompatible Wastes
724.277	Closure
724.278	Air Emission Standards
724.279	

SUBPART J: TANK SYSTEMS

Section	Applicability
724.290	Assessment of Existing Tank System's Integrity
724.291	Design and Installation of New Tank Systems or Components
724.292	Containment and Detection of Releases
724.293	General Operating Requirements
724.294	Inspections
724.295	Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
724.296	Closure and Post-Closure Care
724.297	Special Requirements for Ignitable or Reactive Waste
724.298	Special Requirements for Incompatible Wastes
724.299	Air Emission Standards
724.300	

SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
724.320	

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724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.323	Response Actions
724.324	Monitoring and Inspection
724.325	Emergency Repairs; Contingency Plans
724.326	Closure and Post-closure Care
724.327	Special Requirements for Ignitable or Reactive Waste
724.328	Special Requirements for Incompatible Wastes
724.329	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.330	Air Emission Standards
724.331	
724.332	

SUBPART L: WASTE PILES

Section	Applicability
724.350	Design and Operating Requirements
724.351	Action Leakage Rate
724.352	Response Action Plan
724.353	Monitoring and Inspection
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AUTHORITY: Implementing Sections 7-2 and 22-4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7-2, 22-4 and 27).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 1419, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6136, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 15 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective October 1, 1991; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 1, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-2/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000.

NOTE: In this Part, unless the context clearly indicates otherwise,

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superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.931 Definitions

As used in this Subpart, all terms not defined in this the Subpart have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" means ~~is~~ a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Btu" means British thermal unit.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, "connector" means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a

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control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this Subpart.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"ft" means foot.

"h" means hour.

"Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous

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waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas-vapor service" means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas-vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means nonextractive samplers or in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means MegaJoules, or ten to the sixth Joules.

"MW" means Megawatts.

"Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

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"Open-ended valve or line" means any valve, except a pressure relief valve ~~valves~~, that has ~~having~~ one side of the valve seat in contact with hazardous waste ~~process--fluid~~ and one side open to the atmosphere, either directly or through open piping.

"ppmv" means parts per million by volume.

"ppmw" means parts per million by weight.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process heater" means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"s" means second.

"Sampling connection system" means an assembly of equipment within a process or waste management unit that is used during periods of representative operation to take samples of the process or waste fluid. Equipment that is used to take non-routine grab samples is not considered a sampling connection system.

"scm" means standard cubic meter.

"scft" means standard cubic foot.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of separation in which a solid or solution is contacted with a liquid

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solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous waste management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"USDOT" means the United States Department of Transportation.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means, such as compressors or vacuum-producing systems, or by process-related means, such as evaporation produced by heating, and not caused by tank loading and unloading (working losses) or by natural means, such as diurnal temperature changes.

"yr" means year.

(Source: Amended at 24 Ill. Reg. 11 4 6, effective January 6, 2000)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart I, J, or K of this Part, except as Section 724.101 and subsection (b) of this

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Section provide otherwise.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit generated as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or State authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.
- 9) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart must ~~shall~~ be incorporated into the permit when the permit is issued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until the such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725.Subpart CC.
- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by

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organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
- 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.
- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 24 Ill. Reg. 11 46 3, effective January 6, 2000)

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
 - A) The owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous

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waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 724.982.

2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must ~~shall~~ be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

b) Waste determination procedures for treated hazardous waste.

1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.

2) The waste determination for a treated hazardous waste must ~~shall~~ be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in

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Section 724.984(c).

2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 24 Ill. Reg. ~~3~~ 4, effective January 6, 2000)

Section 724.984 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).

ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).

iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

C) The owner or operator does not treat the hazardous waste in the tank ~~is not treated by the owner or operator~~ using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

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- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.
- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:
 - 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(C). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.
 - 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
 - B) The fixed roof must be installed in such a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
 - C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof:
 - i) The opening or manifold system is equipped with a closure device designed to operate so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the

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- ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E) of this Section.
 - D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
 - E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:
 - i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and
 - ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.
- BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 264.1094(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.
- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:
 - A) Opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine

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inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vents, or similar type of pressure relief device that **which** vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established **so such** that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter,

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the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (i) of this Section.

- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or

- ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

- C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a

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- projection below the liquid surface.
- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.
 - B) The owner or operator shall inspect the internal floating

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- roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
 - ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
 - E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the

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- requirements of subsection (k) of this Section.
- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).
- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.
- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:
- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
 - i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 square inches (in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.
 - ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter (1.00 in² per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).
- C) The external floating roof must meet the following specifications:
- 1) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
 - ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof

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- must be equipped with a gasketed cover, seal, or lid.
- iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device that **which** closes off the liquid surface from the atmosphere.
 - ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof

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and the wall of the tank in a continuous fashion except during inspections.

- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

- i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

- ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

- iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.

- iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.

- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

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- ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (i) of this Section.

- iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

- ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.

- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

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- D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:
- The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
 - Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
 - For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
 - The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 264.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.
- The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.
 - The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:
 - The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
 - Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate

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- so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
- The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposures to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
 - The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:
 - Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - To remove accumulated sludge or other residues from the bottom of a tank.
 - Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:
 - The fixed roof and its closure devices must be visually

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inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of an inspection in accordance with the requirements specified in Section 724.989(b).

H) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere except under either of the following two conditions: **in-the-event that a safety device-as-defined-in-35 Ill. Adm. Code-725.981-is required-to-open-to-avoid-an-unsafe-condition-**

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to avoid an unsafe condition.

B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 724.987.

I) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified

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in subsections (i)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T-Criteria for Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T-Criteria for Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.

J) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

C) The hazardous waste meets the requirements of Section

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724.982(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

1) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 24 Ill. Reg. 11 46, effective January 6, 2000)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the

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use of this Section for such air emission control.

b) General requirements.

1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable 49 CFR--Department of Transportation--US DOT regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

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- C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as

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follows:

- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the

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container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722 Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If

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repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

- 1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable 49 CFR--Department of Transportation--USDOT regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

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- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure

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- the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so ~~such~~ that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:
- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to this Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on item 20 of the Uniform Hazardous Waste Manifest incorporated by reference

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in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and 8700-22a), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure.

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The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

b) The transfer of hazardous waste into or out of a container using

Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection

(e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable 49 CFR Department of Transportation--U.S. DOT regulations on packaging hazardous materials for transportation as follows:

1) the container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173,

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"Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

- 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
- 4) For a 14b pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).
- 9) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B) of this Section, the procedure specified in Section 724.983(d) must be used.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (g)(1)(C) of this Section.

- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 24 Ill. Reg. 11 46 Effective January 6, 2000)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Registered Professional Nurse and Licensed Practical Nurses

- 2) Code Citation: 68 Ill. Adm. Code 1300

- 3) Section Numbers: Adopted Action:

1300.10	Amendment
1300.15	Amendment
1300.20	Amendment
1300.25	Amendment
1300.27	Repealed
1300.30	Amendment
1300.35	Amendment
1300.40	Amendment
1300.41	Amendment
1300.42	Amendment
1300.43	Amendment
1300.44	Amendment
1300.48	Amendment
1300.50	Amendment
1300.60	Amendment
1300.65	New Section
APPENDIX A	New Section
APPENDIX B	New Section
APPENDIX C	New Section
APPENDIX D	New Section

- 4) Statutory Authority: Illinois Nursing Act of 1987 [225 ILCS 65]

- 5) Effective Date of Amendments: January 4, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: May 28, 1999, at 23 Ill. Reg. 6374.

- 10) Has JCPR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: In Section 1300.10, the definition of "delegation" was rewritten to bring it in line with current practices, and in Section 1300.65 (a)(3), "engaging in social relationships with clients" was removed from the conduct standards. Other

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technical changes and clarifications were also made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Illinois Nursing Act of 1967, while PA 90-742, effective January 1, 1999, retitles the Act. The appendices add the specific criteria for remedial education programs. Section 1300.15 adds a fee for temporary restoration and endorsement permits. Section 1300.40 adds a variance procedure for faculty who do not hold master's degrees, and provides for out-of-state education programs seeking student nurse clinical placement in Illinois. Approved programs of licensed practical nursing shall offer a course in pharmacology as set forth in Section 1300.44. Programs have until August 2000 to comply with this provision. Section 1300.65 adds unprofessional or unethical conduct in nursing practice as grounds for discipline and adopts national codes of ethics for both RNs and LPNs. Also makes various technical and cleanup changes.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Number: Proposed Action:
113.141 Amendment

4) Date Notice of Proposed Amendments Published in the Illinois Register:
November 5, 1999 at (23 Ill. Reg. 13305)

5) Reason for the Withdrawal The Department has proposed amendments to Section 113.141 to increase the prepaid burial exemption on an irrevocable

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funeral and burial fund from \$4,000 to \$4,120. This 3% increase is mandated by the current rule as an annual increase. The proposed amendments are being withdrawn because the Department has now determined that an annual change to this rule is not necessary.

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

NURSING AND ADVANCED PRACTICE NURSING ACT -

REGISTERED PROFESSIONAL NURSE AND LICENSED PRACTICAL NURSE

~~THE ILLINOIS NURSING ACT OF 1987~~

Section	Definitions
1300.10	
1300.15	Fees
1300.20	Application for Examination or Licensure
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination (Repealed)
1300.30	Licensure by Endorsement
1300.35	Remedial Education
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.65	Unethical or Unprofessional Conduct in Nursing Practice
1300.70	Fines

Minimal Skills List for Registered Professional Nurses

Minimal Assignment List for Registered Professional Nurses

Minimal Skills List for Licensed Practical Nurses

Minimal Assignment List for Licensed Practical Nurses

AUTHORITY: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1981; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13555, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter 4, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII,

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68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. 3895, effective February 5, 1998; amended at 22 Ill. Reg. 19273, effective October 13, 1998; amended at 24 Ill. Reg. 1191, effective

JAN - 4 2000

Section 1300.10 Definitions

The following definitions shall apply to this Part:

- "Task" means work not requiring professional knowledge, judgment and/or decision making;
- "Professional Responsibility" includes making decisions and judgments requiring use of nursing knowledge acquired by completion of an approved program for licensure as a practical or professional nurse;
- "Supervision" means monitoring and providing guidance in which the supervisor maintains accountability for tasks and/or professional responsibilities delegated to another;
- "Direct Supervision" means being in close physical proximity within the facility to provide initial and ongoing direction, procedural guidance, and evaluation of tasks and professional responsibilities delegated to a licensee pending nurse another;
- "Delegation" means the transfer of responsibility for the performance of an activity or task from a registered professional nurse to an unlicensed or licensed person with the former retaining the accountability for the outcome. Responsibility and accountability may be delegated to another licensee under the Act within the scope of practice set forth in the Act and this Part.
- "Delegation" means assignment of tasks as defined in subsection (a) above and/or professional responsibilities as defined in subsection (b) above to another in which the delegator-supervisor holds the other individual responsible and accountable for performance while maintaining accountability for the assigned tasks and professional responsibilities;
- "Direction" means to give authoritative instruction to another regarding tasks and/or professional responsibilities; and

g) "Act" means the Nursing and Advanced Practice Nursing Act [225 ILCS 65]. Illinois Nursing Act of 1987 (41st Rev. Stat.:1987 ch. 111, par. 3561 et seq.)

(Source: Amended at 24 Ill. Reg. 1191, effective JAN - 4 2000)

Section 1300.15 Fees

DEPARTMENT OF HUMAN SERVICES

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The following fees shall be paid to the Department and are not refundable:

- a) Application Fees:
 - 1) The fee for application for a license as a registered professional nurse and a licensed practical nurse is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for a temporary restoration or endorsement permit for a license as a registered professional nurse and licensed practical nurse is \$25.
- b) Renewal Fees:

The fee for the renewal of a license shall be calculated at the rate of \$20 per year.
- c) General Fees:
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$125.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
 - 6) The fee for a roster of persons licensed as registered professional nurses or licensed practical nurses in this State shall be the actual cost of producing such a roster.

(Source: Amended at 24 Ill. Reg. 1191, effective 11-1-2000)

Section 1300.20 Application for Examination or Licensure

- a) Each applicant shall file, with the testing service designated by the Department of Professional Regulation (the Department), a completed, signed application, on forms supplied by the Department, which

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includes:

- 1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40 of this Part;
 - 2) signature of the Director of the nursing education program or other person designated by the Director of the nursing education program;
 - 3) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
 - 4) the required fees examination-fee set forth in Section 1300.15 of this Part 23 of the Act;
 - 5) proof of passage for registered professional nurse applicants of:
 - A) the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories; or
 - B) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test for those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories and determined by the Board educationally prepared in nursing; and
 - 6) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service. This education must meet the standards set forth in Section 1300.40; and
 - 7) certification on forms provided by the Department, from the jurisdiction(s) in which the applicant has ever been licensed, if applicable, stating:
 - A) the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 5-134(g) or 4(1) of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.
- c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.
- d) Credentials of education and licensure, if not in English, shall be

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accompanied by a certified translation.

e) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

f) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.25 of this Part, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 24 Ill. Reg. 11 91 effective JAN 4 2000)

Section 1300.25 The Licensure Examination

a) The Board of Nursing (the "Board") Committee--on--Nursing--(the "Committee") shall make recommendations to the Department regarding content, design and contractor for a licensure examination. A licensure examination contract shall be negotiated and approved by the Department of Professional Regulation.

b) Registered Professional Nurse Examination

1) The passing grade on the National Council Licensure Examination (NCLEX) for registered professional nurses shall be based on an ability scale designed to measure minimum professional nurse competency. A pass/fail grade will be assigned.

2) A registered professional nurse applicant who fails the examination is not eligible for licensure. If such applicant has been practicing professional nursing under Section 5-154(1) of the Act, such applicant shall discontinue such practice until a passing grade is achieved on the examination and a license has been received from the Department.

3) If the examination is not passed within three years from the date of the first examination taken, regardless of jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(f)(9) or completion of an approved remedial nursing education program or course as set forth in Section 1300.35. Upon successful completion of the approved nursing education program or remedial program or course, the applicant shall submit proof to the Department. If three years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 10-30.15 of the Act and provide evidence of meeting the requirements in force at the time of the new application.

c) Licensure Practical Nurse Examination

1) The passing grade on the National Council Licensure Examination

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(NCLEX) for licensed practical nurses shall be based on an ability scale designed to measure minimum licensed practical nurse competency. A pass/fail grade will be assigned.

2) A licensed practical nurse applicant who fails the examination is not eligible for licensure. If such applicant has been practicing as a licensed practical nurse under Section 5-154(g) of the Act, such applicant shall discontinue such practice until a passing grade has been achieved on the examination and a license has been received from the Department.

3) If the examination is not passed within three years from the date of the first examination taken, regardless of the jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(f)(10) or completed an approved remedial nursing education program or course as set forth in Section 1300.35. Upon successful completion of the approved nursing education program or remedial program or course, the applicant shall submit proof to the Department. If three years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 10-30.15 of the Act.

d) Eligibility for Licensed Practical Nurse Examination
Any candidate who is unable to pass the registered professional nurse examination will not be permitted to write the practical nurse examination until or unless such applicant has graduated from an approved practical nursing education program.

(Source: Amended at 24 Ill. Reg. 11 91 effective JAN 4 2000)

Section 1300.27 Application for Licensure on the Basis of Examination (Repealed)

a) Each applicant for licensure as a Registered Professional Nurse on the basis of examination must submit to the Department:

- 1) A properly completed application;
- 2) Fee as required by Section 23 of the Act;
- 3) Proof of passage of the examination conducted by the Department or its designated testing service for licensure as a Registered Professional Nurse.

b) Each applicant for licensure as a Licensed Practical Nurse on the basis of examination must submit to the Department:

- 1) A properly completed application;
- 2) Fee as required by Section 23 of the Act;
- 3) Proof of passage of the examination conducted by the Department or its designated testing service for licensure as a Licensed

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Practitioner-Nurse:

(Source: Repealed at 24 Ill. Reg. 1.1 9.1 effective
JAN - 1 2000)

Section 1300.30 Licensure by Endorsement

a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:

- 1) the required fee in Section 1300.15 of this Part 23(e)-of-the Act;
- 2) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;
- 3) proof of passage of an examination recognized by the Department, upon recommendation of the Board Committee (i.e., National Council Licensure Examination for Professional Nurses or Practical Nurses, or State Board Test Pool Examination for Professional Nurses or Practical Nurses);
- 4) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
- 5) for registered nurse applicants who received education outside of the United States:
 - A) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories. An applicant shall be exempt from taking the CGFNS examination if the applicant:
 - i) has passed the examination authorized by the Department as set forth in Section 1300.25;
 - ii) holds an active, unencumbered license in another state; and
 - iii) has been actively practicing for a minimum of 2 years in the other state.

Applicants who are exempt from taking the CGFNS examination shall submit a copy of the evaluation (the Nursing and Science Course Report) of nursing education credentials submitted by a Department approved nursing credentialing evaluation service. The Department has determined, upon recommendation of the Board Committee, that the Commission on Graduates of Foreign Nursing Schools is an approved evaluation service;

B) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 or 213 on the TOEFL

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Computer based test is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;

6) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education as set forth in Section 1300.40;

7) verification of licensure status from all jurisdictions states in which licensure has ever been granted that includes active practice in another jurisdiction within the last 5 years and verification of licensure status from the foreign jurisdiction in which the applicant has most recently practiced; and

8) a certified translation for all credentials of education and licensure, if not in English.

b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

d) Each applicant for licensure by endorsement who in connection with his/her original registration was not tested on subject matter substantially equivalent to that required of Illinois nurses at such time, shall be required to take and pass, before a license will be issued by the Department, that subject matter not previously taken and passed.

g) Compliance with the provisions of Section Sections 1300.25(b)(3) and 1300.25(c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.

ef) Eligibility for Practical Nurse Endorsement:

A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.

g) Sections of the Single Score Examination-More Than One State Prior to the implementation of the Single Score Examination-More Than One State Prior to the grant an Illinois license as a registered professional nurse to an individual who has been licensed in another state and who is otherwise qualified for licensure in Illinois whether or not all areas of the licensure examination were written in the same jurisdiction; if said examination(s) were written subsequent to February 1, 1976, if said examination(s) were written prior to February 1, 1976, the Department will review the individual's case to determine substantial equivalence

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under subsection (d) above:

(f) Individuals applying for licensure by endorsement may apply to the Department, on forms provided by the Department, to receive a Temporary Endorsement Permit pursuant to Section 10-40 (9)(b) of the Act. Such permit shall allow the applicant to work pending the issuance of a license by endorsement.

1) The temporary endorsement permit application shall include:

- A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 1300.15 of this Part 23(e) of the Act. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;
- B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the National Council Network (NCNM) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file; and

C) the fee for a temporary permit as required in Section 1300.15 of this Part 23(e)(4) of the Act.

2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (f)(1) above.

3) Temporary permits shall be terminated upon:

- A) the issuance of a permanent license by endorsement;
- B) failure to complete the application process within 6 months from the date of issuance of the permit;
- C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:

- i) felony; or
 - ii) misdemeanor directly related to the practice of nursing within the last 5 years;
- D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or

E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (f)(3) (B) and (E) above and/or Section 10-30.95 of the Act.

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- 4) A temporary permit shall be renewed extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:
 - A) serving full-time in the Armed Forces;
 - B) an incapacitating illness as documented by a currently licensed physician;
 - C) death of an immediate family member; or
 - D) extenuating circumstances beyond the applicant's control as approved by the Director.

Source: Amended at 24 Ill. Reg. 11 01 effective
 JAN 4 2000)

Section 1300.35 Remedial Education

Pursuant to Section 10-30.2(e) of the Act, no applicant shall be issued a license as a registered nurse or practical nurse unless he/she has passed the examination set forth in Section 1300.25 within 3 years after completion and graduation from an approved nursing program, unless such applicant submits proof of successful completion of the entire nursing education program or one of the following remedial nursing education requirements:

- a) Registered nurse and practical nurse applicants licensed in another U.S. jurisdiction on the basis of successful completion of the national licensure examination may complete the current nursing practice update course set forth in Section 1300.41.
- b) Registered nurse applicants, not licensed in another jurisdiction, may enroll in an approved professional nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as set forth in Appendix A (Minimal Skills List for Registered Nurses) and Appendix B (Minimal Assignment List for Registered Nurses) of this Part stated on the minimal skills and minimal assignment lists maintained by the Department.
- c) Practical nurse applicants, not licensed in another jurisdiction, may enroll in an approved practical nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as set forth in Appendix C (Minimal Skills List for Licensed Practical Nurses) and Appendix D (Minimal Assignment List for Licensed Practical Nurses) of this Part. stated on the minimal skills and minimal assignment lists maintained by the Department.
- d) Registered nurse applicants and practical nurse applicants may participate in an individual self-study plan developed by an approved nursing education program in Illinois that includes theory and coordinated clinical practice components.

1) The theory component shall have the following minimum components:

- A) Assessment of theory learning needs through use of published tests measuring knowledge in medical/surgical growth and development across the life span and

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- pharmacology;
- B) Specification by a nursing education program of units of content, objectives and unit plans for study;
 - C) Documented hours equivalent to at least 48 contact hours of theory for registered nurse applicants and 32 contact hours of theory for licensed practical nurse applicants;
 - D) Use of a medical/surgical nursing text currently used in basic nursing education programs;
 - E) A means for demonstrating achievement of objectives.
- 2) The clinical practice component shall be sponsored by a nursing education program. The clinical practice experience shall include the following minimum components:
- A) Assessment of skill learning needs, arranged by the applicant with the nursing education program prior to assignment to a unit of the institution;
 - B) Mastery of the registered nurse or practical nurse minimal skills set forth in Appendix A and C of this Part ~~11st~~ **provided-by-the-Department**;
 - C) Clinical practice component of at least 96 contact hours for registered nurse applicants and 64 contact hours for licensed practical nurse applicants that includes the clinical practice experience set forth in Appendix B and D of this Part ~~noted-on-the-Department's-minimal--assignment 11st~~; and
 - D) Identification of a faculty member or registered nurse preceptor.
- e) Registered nurse or licensed practical nurse applicants, taking a self-study course approved by another state board, shall have the course approved by the Department in order for the course to be accepted. The clinical practice component of the course must be provided by an Illinois health care delivery institution and must incorporate the Department's minimal requirements for the clinical practice component. The nurse taking the course must make arrangements with the health care delivery institution for the clinical practice component and identification of a registered nurse preceptor.
 - f) Individuals may request a review, by the Board of Nursing, of any other pertinent documents or training that are not set forth in this Section for approval as meeting these requirements.

(Source: Amended at 24 Ill. Reg. 11 91 - 7 effective JAN 4 2000)

Section 1300.40 Approval of Programs

- a) Program Approval
- 1) Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure or change the level of

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educational preparation of the program or establish an extension of an existing program shall:

- 1) Submit a letter of intent to the Department.
 - 2) Provide a feasibility study to the Department, on forms provided by the Department, which includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of the proposed program;
 - C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 - E) Potential for qualified faculty;
 - F) Adequacy of clinical practicum and academic resources;
 - G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and
 - J) A timetable for development of the program and the intended date of the first class beginning.
 - 3) Identify a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator.
 - 4) Submit 15 copies of curriculum proposal including:
 - A) Program philosophy and objectives;
 - B) A plan of organization that is logical and internally consistent;
 - C) Proposed plans of study including requisite and elective courses with rationale;
 - D) Course outlines or syllabi for all nursing courses;
 - E) Student handbook;
 - F) Faculty qualifications;
 - G) Instructional approaches to be employed;
 - H) Evaluation plans for faculty and students; and
 - I) Facilities and utilization plan.
- A site visit will be conducted by the Department prior to the program being approved.

- b) Continued Program Approval
 - 1) Nursing education programs shall submit annual evaluation reports to the Department on forms provided by the Department. These reports shall contain information regarding curriculum, faculty and students and other information as deemed appropriate by the Department.
 - 2) Full routine site visits shall be conducted by the Department for periodic evaluation. The visits will be utilized to determine compliance with the Act. Full routine site visits shall be announced. Unannounced site visits may be conducted when the Department obtains evidence that would indicate the program is

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not in compliance with the Act or this Part.
 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.

A) A pass rate of 75% of first time writers will be required for a school to remain in good standing.

B) A nursing education program having an annual pass rate of less than 75% of first time writers for one year will receive a written warning of noncompliance from the Department.

C) A nursing education program having an annual pass rate of less than 75% of first time writers for 2 consecutive years will receive a site visit for evaluation and recommendation by the Department and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 110.

D) The nursing education program shall have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.

E) If 2 years after implementing of the strategies to correct deficiencies in the program the annual pass rate is less than 75%, the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 110.

c) Major Curricular Revision

Nursing education programs desiring to make a major curricular revision: addition or deletion of content; a substantive change in philosophy or conceptual framework; or length of program shall:

1) Submit a letter of intent to the Department; and
 2) Submit 15 copies of the proposed changes and new material to the Department, at least one term prior to implementation, for Board Committee recommendation and Department approval in accordance with the standards set forth in subsection (f).

d) Minor Curricular Revisions

Nursing education programs desiring to make curricular revisions involving reorganizations of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Department in their annual report.

e) Organization and Administration

1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board):

2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Department;

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3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;

4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures;

5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and shall be reviewed by members of the program on a regular schedule;

6) The philosophy, purpose, and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.

f) Curriculum and Instruction

1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;

2) Levels of progression in relation to the stated program objectives shall be established;

3) Coordinated clinical and theoretical learning experiences shall be consistent with the program objectives;

4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;

5) The entire curriculum shall be based on sound nursing, education and instructional principles;

6) The curriculum may include a Nursing Student Internship/Cooperative Education Course that meets the following minimum requirements:

A) Must be course available with nursing major and identified on transcript.

B) Faculty must meet approved nursing education program qualifications and hold faculty status with educational unit.

C) Clinical content must be coordinated with theoretical content.

D) Clinical experience must be under direct supervision of a qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.

E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.

F) Course shall be based on program purpose philosophy, objectives and framework.

G) Course evaluation shall be consistent with plan for program evaluation.

H) Articles of affiliation shall clearly delineate student,

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educational institution and health care agency roles and responsibilities;
7) The curriculum shall be evaluated by faculty with student input according to a stated plan;
8) The program shall be approved by the appropriate educational agency;

9) Curriculum for professional nursing programs shall:

A) Include, at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, pathophysiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;

B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;

C) Provide theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration, and maintenance of health in individuals and groups across the life span and in a variety of clinical settings which encompasses attainment and maintenance of optimum physical and mental health and prevention of illness for individuals and groups throughout the life cycle;

D) Incorporate the nursing process as an integral part of the curriculum;

E) Prepare the student to assume beginning level professional nursing positions;

F) Be at least 2 academic years in length.

10) Curriculum for the practical nursing programs shall:

A) Include, at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.44), nutrition and diet therapy, vocational, legal and ethical aspects of nursing;

B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;

C) Provide basic theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration, and maintenance of health in individuals and groups across the life span and in a variety of clinical settings which encompasses the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

D) Incorporate the nursing process as an integral part of the

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curriculum:

E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills;

F) Be at least one academic year in length; and

G) If a military program, consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum as outlined in subsection(f)(10)(A).

g) Faculty

1) The institution responsible for conducting the nursing program and the Nurse Administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.

2) Nursing education programs shall be administered by the Nurse Administrator of the nursing education program.

3) The Nurse Administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.

4) The Nurse Administrator of a nursing education program shall have at least:

A) 2 years experience in clinical nursing practice;

B) 2 years of experience as an instructor in a nursing education program; and

C) a master's degree or higher with a major in nursing.

5) Nurse faculty of a professional nursing program shall have:

A) At least 2 years experience in clinical nursing practice;

B) A master's degree or higher with a major in nursing. (An individual with a bachelor's degree with a major in nursing and a master's degree in a related area other than nursing and who has at least 10 years experience as a faculty member in a State approved professional nursing program may request a variance of the Rule.)

No more than 15% of the total program nurse faculty may be employed in a nursing education program without a master's degree with a major in nursing.

6) Nurse faculty of a practical nursing program shall have:

A) At least 2 years experience in clinical nursing practice; and

B) A baccalaureate degree or higher with a major in nursing.

7) The requirements of subsections (g)(4), (5) and (6) above shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.

8) Nurse Administrators of nursing education programs shall be responsible for:

A) Administration of the nursing education program;

B) Liaison with other units of the sponsoring institution;

C) Preparation and administration of the budget;

D) Facilitation of faculty development and performance review;

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- E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation;
- F) Notification to the Department of program changes.
- 9) Faculty shall be responsible for:
- Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
 - Design, implementation and evaluation of curriculum for the nursing education program;
 - Participation in academic advising of students;
 - Development and evaluation of student policies; and
 - Evaluation of student performance in meeting the objectives of the program.
- 10) Faculty shall participate in:
- Selection, promotion and tenure activities;
 - Academic activities of the institution;
 - Professional and health-related community activities;
 - Self-development activities for professional and personal growth; and
 - Research and other scholarly activities for which qualified; and
- E) Activities that maintain educational and clinical expertise in areas of teaching.
- 11) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (9) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- 12) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
- When under direct supervision of the faculty,⁷ the ratio shall not exceed 10 to 1.
 - When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- h) Financial Support, Facilities, Records
- Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
 - The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
 - Articles of Affiliation
 - The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility which define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the

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- clinical site and the nursing education program.
- B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
- 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.
- 5) There shall be access to learning resource facilities including library and multi-media technology ~~library~~ library facilities that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
- 6) Cooperating agencies shall be identified to the Department and shall be suitable to meet the objectives of the program.
- 7) Addition or deletion of cooperating agencies shall be reported in writing to the Department on the program annual report ~~no later than 30 days after the entrance into a contract or upon cancellation of a contract.~~
- 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
- 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Faculty Variance
- The nursing program may request a variance for a faculty member who has not received a master's degree if:
 - The faculty member is within one year of completion of the master's in nursing;
 - The faculty member is continuously enrolled in the master's in nursing program;
 - A plan exists for the timely completion of the master's program; and
 - No other faculty members are teaching with a current variance.
 - The Board of Nursing will consider each request for a variance and if a variance is granted the nursing program shall be placed on probation until the faculty member has completed the master's degree. A variance will be granted for one year and consecutive variances will not be granted to any program.
- j) Discontinuance of a Nursing Program
- A nursing education program shall:
 - Notify the Department, in writing, of its intent to discontinue its program;
 - Continue to meet the requirements of the Act and this Part until the official date of termination of the program;
 - Notify the Department of the date on which the last student

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will graduate and the program terminate; and
 D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.

- 2) Upon closure of the nursing education program, the institution shall notify the Department, in writing, of the location of student and graduate records storage.

k) Disapproval of a Program

- 1) The following are grounds for disapproval of a nursing education program:

- A) A violation of any provision of the Act;
 B) Fraud or dishonesty in applying for approval of a nursing education program;
 C) Failure to continue to meet criteria of an approved nursing education program as set forth in this Section; or
 D) Failure to comply with recommendations made by the Department as a result of a site visit.

- 2) Upon written notification of the Department's proposed action, the nursing education program may:

- A) Submit a written response;
 B) Request a hearing **holding** before the Board **Committee**.

l) Out-of-state Education Programs Seeking Student Nurse Clinical Placement in Illinois

- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.

- 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:

- A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
 B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agency(s) and the clinical unit(s) to be utilized.
 C) A course syllabus for the clinical experience(s) to be offered that specifies the related objectives of the offering.

- D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
 E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.

3) Faculty

- A) The institution responsible for conducting the nursing program and the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and

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professionally qualified.

- B) Nurse faculty of a professional nursing program shall have:
 1) at least 2 years experience in clinical nursing practice; and
 ii) a master's degree or higher with a major in nursing.

- C) Nurse faculty of a practical nursing program shall have:
 1) at least 2 years experience in clinical nursing practice; and
 ii) a baccalaureate degree or higher with a major in nursing.

- D) The faculty shall be currently licensed as registered professional nurses in Illinois.

- E) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (d) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.

- F) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.

- 1) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 iii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.

- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of two years. A program representative may request renewal of the approval every two years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (1).

- 5) A written report of current clinical offerings and current data shall be submitted to the Department annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.

- 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.

- m) If the name of the program or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Department within 30 days of such name change. If the Department is not notified within the 30 days, the program's approval may be withdrawn.

- (Source: Amended at 24 Ill. Reg. 1.1 § J --, effective JAN 1 2000)

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- a) A current nursing practice update course (the "course") is a planned educational offering which provides an updating of content specifically designed for registered and/or practical nurses preparing to re-enter nursing practice.

- b) To be approved by the Department a course shall meet the following minimum requirements:

- 1) The sponsoring institution must have access to adequate facilities and resources to implement both the required theoretical and clinical components of the course.

- 2) The course shall be conducted by:

- A) a coordinator with a baccalaureate major in nursing and two years of current clinical experience in nursing practice;
- B) faculty with 2 years of current clinical experience in nursing who have demonstrated competency in teaching/learning. This experience may be either from academics or work experience (i.e., coursework, staff development, nursing faculty of an approved nursing program).

- 3) The course must be based on clearly stated objectives which are realistic for the time allotted in the course, appropriate for the course content, and includes both theoretical and clinical practice expectations as set forth in Appendices A, B, C and D.

- 4) The nursing content shall provide information on the Act and this Part, the American Nurses' Association (ANA) Standards of Practice, the ANA Code of Ethics, current opportunities for nursing practice, and current climate for practice, and nursing process.

- 5) Course content must be based on current nursing care concepts and skills relevant to the audience for which it is intended, registered nurse or licensed practical nurse.

- 6) The course shall include both planned and supervised clinical experiences and theoretical content consistent with the stated course objectives.

- 7) The theory component for registered nurses shall be at least 48 contact hours and for licensed practical nurses at least 32 contact hours.

- 8) The clinical component for registered nurses shall be at least 96 contact hours and for licensed practical nurses at least 64 contact hours.

- c) Any institution desiring to have its course(s) approved by the Department shall file with the Department at least twelve weeks prior to anticipated implementation 15 leg copies of all relevant information bearing on its compliance with the above criteria plus the following:

- 1) the name of the sponsoring institution;
- 2) The name of the designated course coordinator responsible for the course and a brief summary of the individual's qualifications;
- 3) A list of the members of the educational staff, their qualifications for teaching the course(s) and

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- responsibilities.

- d) The Board Committee shall evaluate the submitted materials at its next regularly scheduled meeting, at which time the course coordinator from the applying sponsoring institution may make an oral presentation. The Board Committee shall make a recommendation to the Director for approval or disapproval and the Department will notify the sponsoring institution of its decision.

- e) The course shall be reevaluated every five three years.

(Source: Amended at 24 Ill. Reg. 11 9 1 effective JAN - 4 2001)

Section 1300.42 Standards of Professional Conduct for Registered Professional Nurses

The Registered Professional Nurse shall:

- a) Practice in accordance with the Act and this Part;
- b) Uphold federal and State state regulations regarding controlled substances and alcohol;
- c) Practice nursing only when in functional physical and mental health;
- d) Be accountable for own nursing actions and competencies;
- e) Practice or offer to practice only within the scope permitted by law and within the licensee's own educational preparation and competencies.
- f) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
- g) Delegate tasks only to individuals whom the licensee knows or has reason to know are competent qualified by education or experience to perform those tasks;
- h) Delegate professional responsibilities only to individuals whom the licensee knows or has reason to know are licensed to perform;
- i) Be accountable for the quality of nursing care delegated to others;
- j) Report unsafe, unethical, or illegal health care practice or conditions to appropriate authorities;
- k) Maintain--a functional level of practice consistent with education and experiential--background--and--in--accordance--with--professional responsibilities--and Assume responsibility for continued professional and personnel growth and education to reflect knowledge and understanding of current nursing care practice.
- l) Violations of this Section may result in discipline for dishonorable unethical or unprofessional conduct as specified in Section 10-45 25(b) of the Act. All disciplinary hearings shall be conducted in accordance with 65 Ill. Adm. Code 1110.

(Source: Amended JAN 4 2001 at 24 Ill. Reg. 11 9 1 effective JAN 4 2001)

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Section 1300.43 Standards of Professional Conduct for Licensed Practical Nurses

The Licensed Practical Nurse shall:

- a) Practice in accordance with the ~~Illinois~~ Nursing and Advanced Practice Nursing Act and this Part Rule;
- b) Uphold Federal and State ~~state~~ regulations regarding controlled substances and alcohol;
- c) Practice nursing only when in functional physical and mental health;
- d) Be accountable for own nursing actions and competencies;
- e) Practice or offer to practice only within the scope permitted by law and within the licensee's own educational preparation and competencies ~~and within the scope permitted by law and for which educationally prepared;~~
- f) Perform nursing actions only under direction except as stated in the ~~Illinois-Nursing~~ Act in the event of an emergency in which an individual's life or health are in imminent danger;
- g) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
- h) Report unsafe, unethical and illegal health care practice or conditions to appropriate authorities;
- i) Assume responsibility for continued professional growth and education to reflect knowledge and understanding of current nursing care practice;
- j) Violation(s) of this Section may result in discipline ~~for dishonesty, unethical or unprofessional conduct as specified in Section 10-45 35-167 of the Act (411-Rev.-Stat.-1983-CH-111-Par-3429-167). All disciplinary hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.~~

(Source: Amended at 24 Ill. Reg. 7191 effective JAN - 4/2000)

Section 1300.44 Standards for Pharmacology/Administration of Medication Course for Practical Nurses

- a) Approved licensed practical nursing programs shall include a course designed to educate practical nursing students and/or licensed practical nurses to administer medications via oral, topical, subcutaneous, intradermal and intramuscular routes under the direction of a registered professional nurse, licensed physician, or licensed dentist which contains the following minimum components:
 - 1) Prerequisites
 - A) Basic computational math and high school algebra with proficiency in the following concepts, including but not limited to, ratios and proportions and metric, apothecary and household measurements as documented via examination and/or coursework completed.

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- B) Basic scientific knowledge including, but not limited to, microbiology/asepsis and anatomy and physiology with a basic understanding of fluid and electrolytes, the inflammatory response, the immune response, and body systems as documented via examination or coursework.

2) Pharmacology

- A) An introduction to pharmacology including the areas of:
 - i) Terminology and abbreviations
 - ii) Federal and State ~~state~~ laws related to pharmacology (e.g., Illinois Controlled Substances Act, [720 ILCS 570, 411-Rev.-Stat.-1987-CH-56-1/2-Par-3440-1603; Federal Food, Drug and Cosmetic Act, [21 USC 856c-360]) and references (i.e., United States Pharmacopoeia/National Formulary)
 - iii) Drug standards
 - iv) Generic versus brand name drugs
 - v) Misuse/abuse of drugs
 - vi) ~~Illinois-Controlled-Substances-Act-(411-Rev.-Stat.-1987-CH-56-1/2-Par-3440-1603)~~
- B) Classifications of drugs (with commonly used examples) including:
 - i) Action/Physiological effect
 - ii) Interactions
 - iii) Side effects and contraindications
 - iv) Dosages and routes
 - v) Nursing implications (including legal implications)
- 3) Administration of Medication
 - A) Following procedures of safety as described in subsections (a)(3)(C), (a)(3)(D), (a)(3)(E), and (a)(3)(F) in administering medications.
 - B) Developmental adaptations for administering medications to patients of all ages.
 - C) Assessment of patient condition.
 - D) Planning for administration of medication including:
 - i) Checking for doctor's order
 - ii) Securing proper equipment
 - iii) Verifying proper packaging of medication
 - E) Implementation of administration of medication including:
 - i) Site selection
 - ii) Verifying route of administration
 - iii) Administering the medication
 - iv) Recording medication administration
 - v) Patient education for compliance
 - F) Evaluation of patient response including:
 - i) Effects/side effects/allergic responses
 - ii) Recording/reporting of effects
- b) These requirements shall not preclude a flexible curriculum that would provide appropriate integration into other practical nursing courses.

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- c) The course/instruction shall include at least 32 hours of theory and 64 hours of lab and clinical with administration of medication to patients performed under direct supervision of qualified faculty as set forth in subsection (d) of this Section 4300-444d).
- d) Nurse faculty of pharmacology and administration of medication courses shall have:
- 1) At least two years experience in clinical nursing practice;
 - 2) A baccalaureate degree with a major in nursing;
 - 3) A current Illinois Registered Professional Nurse license.
- e) Approved licensed practical nursing programs shall include a curriculum designed to educate practical ~~Practical~~ nursing students and/or licensed practical nurses ~~may-be-educated~~ to perform the following activities related to intravenous therapy under the supervision of a registered professional nurse, licensed physician, or licensed dentist:
- 1) Monitoring the flow rate of existing intravenous lines.
 - 2) Regulating peripheral fluid infusion rates.
 - 3) Observing sites for local reaction and reporting results to the registered nurse.
 - 4) Discontinuing intravenous therapy with an order from a physician.
 - 5) Adding non-medicated solutions to existing patent lines.
 - 6) Changing peripheral intravenous tubings and dressings.
 - 7) Monitoring existing transfusions of blood and blood components.
 - 8) Documenting intravenous procedures performed and observations made.
- Practical nursing programs have until August 2000 to add the intravenous therapy content set forth in this subsection (e) to their curriculum.
- f) This curriculum is not designed to prepare the licensed practical nurse to start intravenous therapy.
- g) The curriculum shall not include the following procedures:
- 1) Administering chemotherapeutic agents via intravenous routes.
 - 2) Starting or adding blood or blood components.
 - 3) Administering medications via intravenous push.
 - 4) Adding medication to existing intravenous infusions, including heparin in heparin locks.
- 9) ~~this course is not designed to prepare the licensed practical nurse to:~~
- A) Start intravenous therapy;
 - B) Administer chemotherapeutic agents via intravenous routes;
 - C) Start or add blood or blood components;
 - D) Administer medications via intravenous push;
 - E) Add medication to existing intravenous infusions--including heparin in heparin locks.
- Practical nursing programs have until August 2000 to add a pharmacology course to their curriculum.

(Source: Amended at 24 Ill. Reg. 21 91 effective

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Section 1300.48 Restoration

- a) A licensee seeking restoration of a license that has expired for ~~less than five-f~~ 5 years or less shall have the license restored upon payment of the fees required by Section 1300.15 of this Part 234f)-of the Act.
- b) A licensee seeking restoration of a license that has been placed on inactive status for ~~less than five-f~~ 5 years or less shall have the license restored upon payment of the current renewal restoration fee set forth in Section 1300.15(b) of this Part.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than ~~five-f~~ 5 years shall file an application, on forms supplied by the Department, together with the restoration fee(s) specified in Section 1300.15(c)(1) of this Part, when restoring an expired license, or the current renewal fee set forth in Section 1300.15(b), when restoring an inactive license ~~the fee required by Section 234f)-of the Act~~. The licensee shall also submit proof of fitness to practice, which includes one of the following:
 - 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 20-10 47 of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 20-10 of the Act are satisfied, the applicant will be required to pay the current renewal fee; or
 - 3) Proof of successful completion of a current nursing practice update course, which shall include evaluated clinical experience, approved by the Department, as specified in Section 1300.41 of this Part; or
 - 4) Proof of satisfactory completion of a medical-surgical nursing theory and clinical course in a nursing education program as defined in Section 1300.40 of this Part for practical or registered nurse licensure, consistent with the license which the individual is seeking to restore; or
- 5) Proof of satisfactory completion of a course that includes:
 - A) A self-study nursing theoretical component that is:
 - 1) Approved by another state nursing licensing authority and includes medical-surgical nursing across the life span and consists of a minimum of 36 hours for practical nurses or 48 hours for registered nurses; or
 - ii) Approved by the Department and contains assessment of theoretical and skill learning needs, a plan for

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content with objectives and a plan for documentation of successful completion; and

- B) A clinical practice component that includes:
- i) Sponsorship by a health care delivery institution or nursing education program that meets the requirements set forth in Section 1300.41 of this Part;
 - ii) A minimum 96 hours for registered nurses and 64 hours for practical nurses of supervised patient care with progressive activities;
 - iii) Completion of the minimal skills list provided by the Department; and
 - iv) Identification of a registered nurse preceptor.

d) All restoration applicants shall demonstrate knowledge of the current Illinois Nursing Act and Rules:

d)(*) Individuals applying for licensure by restoration may apply to the Department, on forms provided by the Department, to receive a Temporary Restoration Permit--pursuant to 22A--87-1156--effective January 17--1995. Such permit shall allow the applicant to work pending the issuance of a license by restoration.

- 1) The temporary restoration permit application shall include:
 - A) A completed signed restoration application, along with the required restoration licensure fee as set forth in Section 1300.15 of this Part 23(3)-of-the-Act. All supporting documents shall be submitted to the Department before a permanent license by restoration shall be issued;
- B) Either:
 - i) Photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions (current active licensure in at least one United States jurisdiction is required); or
 - ii) Verification verification of employment in nursing practice within the last 5 years in a United States jurisdiction; and

C) The temporary restoration permit fee as required in Section 1300.15 of this Part 13(4)(b)(4)-of-the-Act.

- 2) The Department shall issue a temporary restoration permit no later than 14 days after receipt of a completed application as set forth in subsection (d)(1) above.

3) Temporary permits shall be terminated upon:

- A) The issuance of a permanent license by restoration;
- B) Failure to complete the application process within six (6) months from the date of issuance of the permit;
- C) A finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 - i) Felony; or
 - ii) Misdemeanor directly related to the practice of nursing within the last 5 years;

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D) A finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or

E) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsection (d)(3)(C) and (D) above and/or Section 10-45 25 of the Act.

4) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:

- A) Serving full-time in the Armed Forces;
- B) An incapacitating illness as documented by a currently licensed physician;
- C) Death of an immediate family member; or
- D) Extenuating circumstances beyond the applicant's control as approved by the Director.

e)(*) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee will be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an oral interview before the Board Committee to explain such relevance or sufficiency, clarify information, or clean up any discrepancies or conflicts in information. Upon recommendation of the Board Committee and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 24 Ill. Reg. 11.9.1 effective 11-1-1994)

Section 1300.50 Granting Variances

a) The Director may grant variances from this Part these-rules in individual cases where he or she finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of Nursing Committee-of-Nurse Examiners of the granting of such variance, and the reasons therefor, at the next meeting of the Board Committee.

(Source: Amended at 24 Ill. Reg. 11.9.1 effective 11-1-1994)

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Section 1300.60 Practice of Nursing

- a) Purpose of Standards
 - 1) To establish minimal acceptable levels of safe practice by the Registered Nurses and Licensed Practical Nurses.
 - 2) To serve as a guide for the Board Committee to evaluate nursing care to determine if it is safe and effective and within the appropriate scope of practice.
- b) Standards Related to the Registered Nurse's Responsibility to Implement the Nursing Process

It is not always possible to document complete information in all areas listed below on each patient. However, nurses should be held accountable for the thorough data collection within the constraints of available information. The Registered Nurse shall:

 - 1) Conduct and document nursing assessments of the health status of individuals and groups.
 - 2) Establish and document nursing problems which serve as the basis for the nursing plan.
 - 3) Develop the nursing plan based on assessment and nursing problem identification. This includes:
 - A) Identifying priorities in the nursing plan.
 - B) Setting realistic and measurable goals.
 - C) Prescribing nursing intervention(s).
 - 4) Implement the nursing plan through giving and delegating direct care.
 - 5) Evaluate the responses of individuals or groups to nursing interventions and redirect the care plan on the evaluation findings.
 - 6) Communicate evaluation data to appropriate members of the health care team.
- c) Standards related to the Licensed Practical Nurse's contribution to the responsibility for the nursing process

The licensed practical nurse under the direction or supervision of a registered nurse, licensed physician, dentist, or podiatrist shall:

 - 1) Participate in assessment by observing, collection, recording and reporting:
 - A) Objective and subjective data in an accurate and timely manner;
 - B) The condition and/or change in condition of the patient; and
 - C) Signs and symptoms of deviation from normal health status.
 - 2) Assist in developing the nursing care plan.
 - 3) Assist in the implementation of nursing care:
 - A) Within the concepts included in the practical nursing curriculum as set forth in Section 1300.40(f) of this Part;
 - B) With consideration for safety in practice;
 - C) According to established priorities of need; and

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- D) Documenting and communicating nursing interventions and responses to care.
- 4) Assist in evaluating patient responses:
 - A) Document and communicate evaluation data to appropriate members of the health care team.
 - B) Contribute to the modification of the nursing plan on the basis of the evaluation.

(Source: Amended at 24 Ill. Reg. 2191 effective JAN - 4 2000)

Section 1300.65 Unethical or Unprofessional Conduct in Nursing Practice

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of "unethical or unprofessional conduct" within the meaning of Section 10-45 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:
 - 1) Engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established.
 - 2) A departure from or failure to conform to the standards of professional or practical nursing as set forth in the Act or this Part, or any nursing practice that may create unnecessary danger to a patient's life, health or safety. Actual injury to a patient need not be established.
 - 3) Engaging in behavior that crosses professional boundaries (such as signing wills or other documents not related to client health care).
 - 4) Engaging in sexual conduct with a patient, or conduct that may reasonably be interpreted by a patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient.
 - 5) Demonstrating actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.
 - 6) Failing to report incompetent, unethical, or illegal practice of another health care provider.
- b) The Department hereby incorporates by reference the "Code for Nurses with Interpretive Statements", 1985, American Nurses Association, 600 Maryland Avenue, Suite 100 West, Washington, D.C. 20024-2561, with no later amendments or editions.
- c) The Department hereby incorporates by reference the "Code of Ethics", National Association for Practical Nurse Education and Service, Inc., 1991, 1400 Spring Street, Suite 330, Silver Spring, Maryland 20910, with no later amendments or editions.

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(Source: Added at 24 Ill. Reg. 114.100, effective JAN 4 2000)

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Section 1300.APPENDIX A. Minimal Skills List for Registered Professional Nurses

The minimal skills for registered professional nurses taking remedial education in accordance with Sections 1300.35 and 1300.41 are as follows:

- a) Nursing Care Plan
Take a complete history and do a complete physical assessment, including all body systems, to develop a nursing care plan.
- b) Standard Precautions and Infection Control
Demonstrate aseptic technique, isolation technique, reverse isolation technique and central line site care.
- c) Medications
Demonstrate ability to calculate dosages. Prepare and administer oral, ear, eye, subcutaneous, intramuscular, Z-track method of injection), and intradermal medications. Identify and utilize different types of needles, syringes, vials, ampules and tubex.
- d) Intravenous (IV) Therapy
Set up equipment for starting an IV and demonstrate ability to start an IV. Demonstrate ability to start, stop and adjust intravenous pump. Demonstrate understanding of blood administration procedures and, if available, start a blood administration.
- e) Fluids
Calculate intake and output for complex conditions: intravenous, hyperalimentation, bladder irrigations and nasogastric tube.
- f) Cardiovascular System
Locate all pulses and demonstrate use of doppler. Set up the equipment for central line insertion.
- g) Pulmonary System
Perform chest percussion, postural drainage and coughing. Demonstrate tracheostomy care and suctioning. Collect a sputum specimen. Monitor chest drainage and closed chest drainage systems. Transport patients with oxygen. Describe different types of oxygen administration equipment. Do preoperative teaching, including deep breathing, coughing and pursed lip breathing.
- h) Gastrointestinal System
Insert nasogastric tube. Administer tube feeding and medications by nasogastric tube. Identify ileostomy and colostomy appliances.
- i) Genitourinary System
Identify types and general sizes of catheters. Describe procedure for male and female catheterization and do catheterization (if available). Set up post TUR irrigation and do post transurethral resection (TUR) irrigation. Collect urine specimens.
- j) Neurological and Musculoskeletal Systems
Demonstrate range of motion exercises and crutch walking. Demonstrate proper turning of patients, such as a hip replacement patient.
- k) Endocrine System
Do self-monitoring of blood glucose.
- l) Reproductive Systems
Perform episiotomy care.

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(Source: Added at 24 Ill. Reg. 11.0.1.5 effective
JAN 4 7000)

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Section 1300.APPENDIX B Minimal Assignment List for Registered Professional Nurses

The minimal assignments for registered professional nurses taking remedial education in accordance with Sections 1300.35 and 1300.41 are as follows:

- a) For all clients
Review chart, interview patient, and develop nursing care plan utilizing acuity assessment and nursing diagnosis. Document the administration of medication (explaining intended effects, side effects, and potential interactions). Give total patient care within educational competencies under the supervision of a registered nurse preceptor.
- b) Day 1
Orientation to hospital and unit, interview patient, review documentation, observe and discuss administration of medication methods and crash cart procedures. Analyze roles and identify nursing diagnoses.
- c) Day 2
Provide care for two medical/surgical or orthopedic patients, focusing the care plan on developmental stage, stress and coping, and documentation. Identify and analyze strategies for own coping.
- d) Day 3
Apply nursing process and develop nursing care plans for two patients with neurological or rehabilitative problems.
- e) Day 4
Develop nursing care plans utilizing the nursing process for two patients needing care of catheters and measurement of output with corresponding documentation. Analyze fluid and electrolyte problems, explain significance of laboratory data, analyze status, apply nursing diagnosis, and document appropriately.
- f) Day 5
Develop nursing care plans and provide care for three patients with diabetes mellitus or endocrine problems. Analyze nursing process and apply nursing diagnoses for these clients.
- g) Day 6
Provide nursing care for two or three adults or children with cardiac and/or respiratory problems.
- h) Day 7
Provide care to preoperative and postoperative patients, admissions and discharges.
- i) Day 8
Provide care for three clients with mobility and diversionary needs.
- j) Day 9-12
Perform delegation of procedures and/or tasks with a registered nurse preceptor present on unit (day or evening) shift. Prepare a self-evaluation and preceptor evaluation to determine successful completion of the clinical component.
- k) Day 13

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- 1) Conference with preceptor for discussion of self-evaluation and determining successful completion of the clinical component. The nurse taking the remedial education course shall take or be scheduled to take a test on the Act and this Part.
- 2) The preceptor will notify the Department of the nurse's successful completion of the remedial education.

(Source: Added 4/20/01, 24 Ill. Reg. 1191 effective 7/1/01)

Section 1300.APPENDIX C. Minimal Skills list for Licensed Practical Nurses

The minimal skills for licensed practical nurses taking remedial education in accordance with Sections 1300.35 and 1300.41 are as follows:

- a) Nursing Care Plan
Participate in the collection of data with the registered nurse to assist in developing a nursing care plan.
- b) Standard Precautions and Infection Control
Demonstrate aseptic technique, isolation technique and reverse isolation technique.
- c) Medications (administration under supervision of registered nurse)
Demonstrate ability to calculate dosages. Prepare and administer oral, ear, eye, subcutaneous, intramuscular, z-track (method of injection), and intradermal medications. Identify and utilize different types of needles, syringes, vials, ampules and tubex.
- d) Intravenous (IV) Therapy (performed under supervision of registered nurse)
Set up equipment for starting an IV and demonstrate ability to adjust and stop intravenous pump. Hang intravenous fluids and calculate rate. Discontinue fluids.
- e) Fluids
Calculate intake and output for complex conditions: monitor intravenous, hyperalimentation, bladder irrigations and nasogastric tube.
- f) Cardiovascular System
Locate all pulses and demonstrate use of doppler.
- g) Pulmonary System
Perform chest percussion, postural drainage and coughing. Demonstrate tracheostomy care and suctioning. Collect a sputum specimen. Monitor chest drainage. Transport patients with oxygen. Describe different types of oxygen administration equipment. Do preoperative teaching including deep breathing, coughing and pursed lip breathing.
- h) Gastrointestinal System
Insert nasogastric tube. Administer tube feeding and medications by nasogastric tube. Identify ileostomy and colostomy appliances.
- i) Genitourinary System
Identify types and general sizes of catheters. Describe procedure for male and female catheterization and do catheterization (if available). Set up post TUR irrigation and do post transurethral resection (TUR) irrigation. Collect urine specimens.
- j) Neurological and Musculoskeletal Systems
Demonstrate range of motion exercises and crutch walking. Demonstrate proper turning of orthopedic patients, such as patient recuperating after a hip replacement.
- k) Endocrine System
Do self-monitoring of blood glucose.
- l) Reproductive Systems
Perform episiotomy care.

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(Source: Added, at 24 Ill. Reg. 11.01, effective 1/1/70)

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Section 1300.APPENDIX D Minimal Assignment List for Licensed Practical Nurses

The minimal assignment for licensed practical nurses taking a remedial education course set forth in Section 1300.45 are as follows:

a) For All Clients

Review chart, collect patient data and assist the registered nurse in development of the nursing care plan. Document the administration of medication (explaining intended effects, side effects, and potential interactions). Give total patient care within educational competencies under the supervision of a registered nurse preceptor.

b) Day 1

Orientation to hospital and unit, collect patient data, review documentation, observe and discuss administration of medication methods and crash cart procedures.

c) Day 2

Provide care for two medical/surgical or orthopedic patients, focusing the care plan on developmental stage, stress and coping, and documentation. Identify strategies for own coping.

d) Day 3

Apply nursing process and assist in the development of nursing care plans for two patients with neurological or rehabilitative problems.

e) Day 4

Assist in the development of nursing care plans for two patients needing care of catheters and measurement of output with corresponding documentation. Identify fluid and electrolyte imbalances. Relate laboratory data to symptoms and discuss urinary status.

f) Day 5

Assist in the development of nursing care plans and provide care for three patients with diabetes mellitus or endocrine problems.

g) Day 6

Provide nursing care for two or three adults or children with cardiac and/or respiratory problems.

h) Day 7

Provide care to preoperative and postoperative patients, admissions and discharges. Prepare a self-evaluation and preceptor evaluation for discussion of successful completion of the clinical component.

i) Day 8

1) Provide care for three clients with mobility and diversionary needs.

2) Conference with preceptor for discussion of self-evaluation and determining successful completion of the clinical component. The nurse taking the remedial education course shall take or be scheduled to take a test on the Act and this part.

3) The preceptor will assure that the Department of Professional Regulation is notified of the licensed practical nurse's successful completion of the alternative current nursing practice update course.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL PROPOSED AMENDMENTS

(Source: Added at 24 Ill. Reg. 1191.03, effective
JAN 4 2000)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice and Procedure for Appeals Before the
Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3) Section Numbers: Adopted Action:

1910.5	Amended
1910.25	Amended
1910.30	Amended
1910.40	Amended
1910.50	Amended
1910.60	Amended
1910.63	Amended
1910.67	Amended
1910.69	Amended
1910.71	Amended
1910.73	New Section
1910.74	New Section
1910.75	Amended
1910.90	Amended

4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

5) Effective Date of Amendments: January 5, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Amendments was Published in the Illinois Register: October 15, 1999, at 23 Ill. Reg. 12547

10) Has JCAR issued a Statement of Objection to these amendments: No

11) Differences between proposal and final version: There were minor changes made between the proposal and the final version of the rules. Several non-substantive changes, such as alterations in capitalization and parentheticals, were made to the text of the rules. Another change in Section 1910.25 clarified the Board's policy regarding the submission of evidence or documentation. This change merely outlined the Board's policy of determining the filing date for documents or evidence submitted by parties to the appeal.

12) Have all changes agreed upon by the agency and JCAR been made as indicated

PROPERTY TAX APPEAL BOARD
NOTICE OF ADOPTED AMENDMENTS

In the agreement letter issued by JOAB? Yes

- 13) Will these amendments replace emergency amendments currently in effect?
No

- 14) Are there any amendments pending on this part? No

15) Summary and Purpose of Amendments:

Section 1910.5 - Construction and Definitions: This section is amended because subsection c) was deleted and is no longer applicable; therefore, subsections d) and e) are relettered.

Section 1910.25 - Computing Time Limits: This section is amended to clarify the date in which the Board considers evidence, documentation, or any other correspondence being filed with the Board.

Section 1910.30 - Petitions - Application: This section is amended to eliminate repetitive language and to clarify the Board's procedure on forwarding an appellant's petition to the board of review and state's attorney for the county in which the appeal was filed. This section is also amended to reflect changes in sections 12-50 and 16-160 of the Property Tax Code.

Section 1910.40 - Board of Review Response to Petition Application: This section is amended to clarify existing language and grammar. In addition, this section is amended to require the board of review to notify taxing districts of the filing of an appeal within 30 days after the Board's notification to the board of review of the appeal.

Section 1910.50 - Determination of Appealed Assessment: This section is amended to delete subsection f) and g) which will be moved to section 1910.74. As a result, subsections h) through m) are relettered.

Section 1910.60 - Interested Parties - Intervention: This section is amended to clarify existing language and grammar. It is also amended to extend from 20 to 30 days the time to refile a request to intervene which was returned for being incomplete.

Section 1910.63 - Burdens of Proof: This Section is amended to clarify existing language and grammar.

Section 1910.67 - Hearings: This section is amended to delete subsection e) in order to incorporate similar provisions in Section 1910.73, which is a new section addressing pre-hearing conferences. Subsequently, subsections f) through subsections o) are relettered.

Section 1910.69 - Sanctions: This section is amended to allow the Board to

PROPERTY TAX APPEAL BOARD
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default a party due to its failure to honor a subpoena request.

Section 1910.71 - Ex Parte Communications: This section is amended to clarify existing language and grammar.

Section 1910.73 - Pre-hearing Conference - Settlement Conference: This section outlines the procedure for establishing and conducting pre-hearing conferences and settlement conferences.

Section 1910.74 - Administrative Review: This section outlines the process for seeking administrative review of a decision of the Property Tax Appeal Board.

Section 1910.75 - Access to Board Records - Freedom of Information Procedures: This section is amended to add a comma after the "Springfield", in subsection c) which is the address for submitting Freedom of Information Act requests.

Section 1910.90 - Practice Rules: This section is amended to clarify existing language and grammar.

- 16) Information and questions regarding this amended Part shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
(217) 782-6076

The full text of the adopted amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 11: PROPERTY TAX APPEAL BOARD
PART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions - Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties - Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.73	Pre-hearing Conference - Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records - Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

AUTHORITY: Implementing and authorized by the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, P. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475, amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11849, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233 effective 1/1/2011.

Section 1910.5 Construction and Definitions

- a) Standards. This Part is to be construed in accordance with the appropriate provisions of the Statute on Statutes [5 ILCS 70].
- b) Definitions. The following words and phrases, whenever used in this

PROPERTY TAX APPEAL BOARD

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Part, include in their meaning the definitions set below:

- 1) Board - Property Tax Appeal Board.
- 2) The Code - Property Tax Code [35 ILCS 200].
- 3) Real Property - The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal and other minerals in the land and the right to remove such oil, gas, and other minerals, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by the Code. Included therein is any vehicle or similar portable structure used or so constructed as to permit its use as a dwelling place, if the structure is resting in whole on a permanent foundation. (Section 1-130 of the Code)
- 4) Farm - When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of real property on which farm dwellings are immediately situated shall be assessed as a part of the farm. Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the farm. For purposes of this Part, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming. (Section 1-60 of the Code)
- 5) Fair Cash Value - The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (Section 1-50 of the Code)
- 6) PIN; Property Index Number; Permanent Index Number; Parcel Index Numbering - A number used to identify a parcel of property for assessment and taxation purposes. The index number shall constitute a sufficient description of the property to which it has been assigned, wherever a description is required by the Code. (Section 1-120 of the Code)
- 7) Taxing District - Any unit of local government, school district or community college district with the power to levy taxes.

Section 1910.30 Petitions - Application

- a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later. ~~(see Section 12-59-of-the-Code); Petitions sent by mail shall be considered-as-filed-on-the-date-postmarked.~~ Faxed petitions and evidence will not be accepted by the Board.
- b) Petitions for appeal shall not be filed within 30 days after the postmark date or personal service date of written notice of the application of final adopted township equalization factors by the board of review. ~~Petitions sent by mail shall be considered-as-filed-on-the-date-postmarked.~~ Faxed petitions and evidence will not be accepted by the Board.
- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. Such request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or his attorney, and shall be filed with the Clerk of the Property Tax Appeal Board.
- e) A copy of the written notice of the decision of the board of review shall be filed with the petition, if one has been issued.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary

- 8) Party Interested Party - Either the contesting party (appellant), the board of review (appellee), or the intervenor(s).
- 9) Attorney - Any individual admitted to the practice of law in this State as set forth in the Attorney Act [705 ILCS 205].
- 10) Brief - A document which contains a summary of the facts, the pertinent laws, and an argument on how such laws apply to the facts supporting a particular position.
- 11) Quadrennial Assessment - The general assessment of real property required by law to be made once every four years. (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)
- 12) Triennial Assessment - In counties of 3,000,000 or more inhabitants, the general assessment of real property required by law to be made once every three years. (Section 9-220 of the Code)
- c) All references to the board of review shall be deemed to include the Cook County Board of Appeals until the first Monday in December 1999.
- cd) All references in these rules to property record card shall be deemed to include, as a substitute, a property characteristic printout detailing the property's physical characteristics.
- de) Interpretation. The definitions listed above are intended only as an aid to interpretation of the Official Rules of the Property Tax Appeal Board (this Part).

(Source: Amended at 24 Ill. Reg. 1238, effective JAN 5 2001)

Section 1910.25 Computing Time Limits

- a) The time within which any act under these rules is to be done shall be computed by excluding the first day and including the last Saturdays, Sundays and legal holidays for the State of Illinois shall be included in computing the time, except that when such time expires on a Saturday, Sunday or legal holiday for the State of Illinois, such period shall be extended to include the next following business day.
- b) Petitions, evidence, motions, and all other written correspondence sent by United States Mail to the Property Tax Appeal Board shall be considered filed as of the postmark date in accordance with Section 1-95 of the Statute on Statutes [5 ILCS 70/1.25]. Petitions, evidence, motions, and all other written correspondence sent to the Property Tax Appeal Board by a delivery service other than the United States Mail shall be considered as filed with the Property Tax Appeal Board on the date sent as indicated on the tracking label.

(Source: Amended at 24 Ill. Reg. 1238, effective JAN 5 2001)

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evidence with the petition, he must submit a letter requesting an extension of time with the petition. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.

h) Every petition for appeal shall state the facts upon which the contesting party bases his objection to the decision of the board of review, together with a statement of the contents of law which he desires to raise. Each petition must also set forth the assessment for the subject property which the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.

i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by him or his attorney, together with his telephone number. The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days of any such change.

j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.

k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions which are not signed, petitions which do not state the assessed valuation assigned by the local assessor, and the board of review, petitions which do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required herein, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.

l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the

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Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.

m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of such completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

(Source: Amended at 24 Ill. Reg. 12.33, effective JAN 5 2011)

Section 1910.40 Board of Review Response to Petition Application

a) Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The Board of Review Review Notes on Appeal shall also reflect the application of a local township multiplier where applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, where possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 30 days after the date and/or postmark of the notice of the filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate.

b) If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In such cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the

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contesting party and secure a written response to the request for dismissal from the contesting party within 30 days after the postmark date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the board of review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a decision determining if it has jurisdiction in the matter.

c) If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit its Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's decision determining jurisdiction.

d) If the board of review is unable to submit the additional written or documentary evidence with the Notes on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include, but is not limited to, the inability to submit evidence for a cause beyond the control of the board of review, such as ~~any~~ ~~but~~ ~~not~~ ~~limited~~ ~~to~~ the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal is filed.

e) The Clerk shall cause the board of review's evidence ~~such~~ ~~assessment~~ ~~record~~ to become a part of such appeal proceeding and record, and shall send a copy of the same to the contesting party or his attorney.

f) Pursuant to Section 16-180 of the Property Tax Code, in every case for ~~appeal~~ where a change in assessed valuation of \$100,000 or more is sought, the board of review shall, within 30 days after the receipt of the notice of the filing of an appeal with the Board, serve a copy of the petition ~~filed with the Property Tax Appeal Board upon receipt of the same~~ on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board within 30 days after the receipt of the notice of the filing of an appeal with the Board affirming that all taxing districts have been notified ~~received~~ ~~notification~~ of the appeal. The certificate of service shall be signed by a member of the board of review or the clerk of the board of review.

(Source: Amended at 24 Ill. Reg. 1238, effective JAN 5 2000)

Section 1910.50 Determination of Appealed Assessment

a) All proceedings before the Property Tax Appeal Board shall be

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considered *de novo* which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. (Section 16-180 of the Code)

b) The ~~By--seater~~ ~~the~~ Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)

c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:

A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider competent evidence admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.

d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review ~~Administrative--Review~~ filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is

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discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

e) A majority of the Members of the Board is required to make a decision of the Board.

f) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review Law (1935-1968-5/Art. III and Section 16-195 of the Property Tax Code 135-1465-206/16-195).

g) The required number of copies of all documents in an appeal file necessary to complete the certification of the Property Tax Appeal Board proceedings in answer to a complaint for Administrative Review will be prepared by the Property Tax Appeal Board at a cost to the plaintiff of 6-25 per page except for pages of the original transcript which will have a cost of 6-75 per page and for pages larger than legal size which will have a cost of 61-00 per page. (Section 16-195 of the Code). From the original certification of proceedings which will be filed with the Clerk of the Circuit Court copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, and the plaintiff in the Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An estimate of the cost of preparing a certified record will be mailed to the plaintiff. Upon receipt of the necessary payment, the Property Tax Appeal Board will prepare certification of the proceedings.

h) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)

g) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)

h) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)

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ik) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)

jj) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

km) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Amended at 24 Ill. Reg. 1233 effective

JAN 5 2000

Section 1910.60 Interested Parties - Intervention

a) Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his property may become a party to the appeal by filing a petition with the Property Tax Appeal Board within 30 days after the postmark date or personal service date of written notice of the decision of the board of review or the postmark date or personal service date of the written notice of the application of final, adopted township equalization factors multipliers by the board of review. If the taxpayer or owner of property files a petition within 30 days after the postmark date or personal service date of the written notice of the application of final, adopted township equalization factors multipliers, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor multiplier.

b) Any taxing body that has a revenue interest in a decision of the board of review may become a party to an appeal by filing its petition within 30 days after the postmark date of the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.

c) Upon notice to the owner that a taxing body has filed an appeal

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affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene within 30 days after the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal.

d) Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene. The Request to Intervene must be filed within 60 days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal, or within 30 days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code. The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.

e) Requests to Intervene shall be filed in triplicate and all copies of the same shall be signed. All additional written and documentary evidence must be submitted with the Request to Intervene in triplicate. Any Request to Intervene which is received without a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. However, the intervening party may refile within 30 days after the date of the return of the Request to Intervene.

f) If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, it must submit a letter requesting an extension of time with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the intervening party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Request to Intervene is filed.

g) The Clerk of the Property Tax Appeal Board shall cause such Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.

(Source: Amended at 24 Ill. Reg. 1238 effective JAN 5 2000)

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Section 1910.63 Burdens of Proof

- a) Under the principles of a de novo proceeding, the Property Tax Appeal Board shall not presume the action of the Board of review Review or the assessment of any local assessing officer to be correct. However, any contesting party shall have the burden of going forward.
- b) Under the burden of going forward, the contesting party must provide substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property. Failure to do so will result in the dismissal of the subject property. Once a contesting party has provided evidence or argument sufficient to challenge the correctness of the assessment of the subject property, the Board of review Review shall be required to go forward with the appeal. The Board of review Review must provide substantive, documentary evidence or legal argument sufficient to support its assessment of the subject property or some other, alternate valuation. Failure to do so will result in a decision by the Property Tax Appeal Board based upon the information submitted by the contesting party and, if applicable, the evidence submitted by any intervening party.
- d) Any intervening party shall be required to support the position it propounds with substantive, documentary evidence or legal argument as provided in this Part.
- e) When market value is the basis of the appeal, the value of the subject property must be proved by a preponderance of the evidence. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence.

(Source: Amended at 24 Ill. Reg. 1238 effective JAN 5 2000)

Section 1910.67 Hearings

- a) The By-statutes---the Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with these rules to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) A party may request a decision of the Property Tax Appeal Board based

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upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.

d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless the state interested taxing bodies have specifically been made parties to the appeal proceeding.

e) ~~in all cases where a change in assessed valuation of \$300.00 or more is sought, the Property Tax Appeal Board shall order a prehearing conference on the motion of any party to the appeal; in all appeals the Board may set a prehearing conference to promote the narrowing of issues, stipulations, and judicial economy; the Board's determination will be based on the complexity of the appeal; the issues in controversy and the potential for settlement; this hearing will be designed to ascertain the positions of the parties and to reach agreements on stipulations of fact; admission of documents and all other matters that will expedite the hearing and determination of the appeal; whenever the cases have been set for hearing by the Board and one or more factual or legal issues exist which can be resolved at a prehearing conference, the Board shall issue a prehearing order resolving matters agreed to and rulings as to disputed matters. The order shall be served at the same time upon all parties and shall control the subsequent course of the proceeding.~~

ef) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.

eg) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.

gh) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:

- 1) possess a working knowledge of the English language, including composition and grammar;
- 2) possess a working knowledge of standard office practices and procedures;
- 3) possess an ability to effectively communicate technical information both orally and in writing;
- 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
- 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
- 6) possess an ability to conduct hearings and obtain and analyze necessary information;
- 7) possess a valid Illinois driver's license;

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- 8) be of high integrity and good personal repute;
- 9) be familiar with this part and the Property Tax Code;
- 10) be disinterested and impartial; and
- 11) have no financial or personal interest in the result of the hearing.

h) Authority of the Board and Designated Hearing Officers.

- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:

- A) To conduct hearings and pre-hearing conferences;
- B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
- C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
- D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;

- E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;

- F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and

- G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.

- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.

i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly Authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.

j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the

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appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.

k2) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:

- 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this part;
- 2) The filing requirement is specifically waived by the Board; or
- 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.

lm) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.

nn) All testimony taken at the hearing shall be under oath or affirmation. The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.

no) In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his own expense. The original certified transcript of such hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible but no later than within 60 days after the hearing.

(Source: Amended at 24 Ill. Reg. 12.28, effective JAN. 5.2001)

Section 1910.69 Sanctions

a) Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65, and 1910.67, and 1910.68 of this Part shall result in the default of that party.

b) When a hearing is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing on the appeal on the date and at the time hour set by the Property Tax Appeal Board. Failure to appear on the date and at the time hour set by the Property Tax Appeal Board shall be sufficient cause to default that party.

c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing

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Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.

d) Failure of the contesting party to furnish a court reporter as required in Section 1910.67(n) of this Part shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript within 60 days after the date of the hearing shall result in the dismissal of the appeal.

e) Failure of the contesting party to pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board or Hearing Officer hearing-officer requests or orders.

(Source: Amended at 24 Ill. Reg. 12.28, effective JAN. 5.2001)

Section 1910.71 Ex Parte Communications

a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, the Board Members and Board employees shall not, with respect to any pending contested appeal, pending, communicate directly or indirectly, in connection with any issue of fact, with any person, party or the representative of any party, except upon notice and an opportunity for all parties to participate.

b) An ex parte communication received by any Board Member or Board employee shall be made a part of the record of the pending appeal, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications, and all responses made and the identity of each person for whom the ex parte communication was received.

c) Communications regarding matters of practice and procedure, such as the status of appeals, filing requirements, form letters, scheduling of hearings, administrative review, and the like, are not considered ex parte communications under this Section.

(Source: Amended at 24 Ill. Reg. 12.28, effective JAN. 5.2001)

Section 1910.73 Pre-hearing Conference — Settlement Conference

a) The Board may on its own motion or on the motion of any party to the appeal set a pre-hearing conference. The Board's decision whether to conduct a pre-hearing conference will be based on the complexity of the appeal, the issues in controversy and the potential for

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settlement.

b) The purpose of the pre-hearing conference shall be to:

- 1) ascertain the positions of the parties;
- 2) promote the narrowing of issues;
- 3) allow for the admissions of fact and/or stipulate to the admissibility of evidence;
- 4) exchange witness lists;
- 5) aid in the simplification of the evidence and disposition of the proceedings; or
- 6) reach a compromise settlement agreeable to the parties.

c) In all cases where the contesting party is seeking a change in assessed valuation of \$100,000 or more, the Board may require or any party may request a court reporter be present to record and transcribe the conference. When the Board on its own motion sets a pre-hearing conference and requires the presence of a court reporter, the contesting party shall provide for the court reporter at his own expense. However, if any party requests a court reporter be present such expense shall be borne by the party requesting transcription. If a court reporter is not required at the pre-hearing conference, an electronic recording device will be used by the Board to record the proceeding.

d) The Board shall issue a pre-hearing conference order setting forth the matters agreed to and rulings as to disputed matters. The order shall be served concurrently upon all parties and shall control the subsequent course of the proceeding.

e) At any stage of the appeal, the Board or any of its designated Hearing Officers may order an informal settlement conference and require the participation of the parties. The Board's determination will be based on the complexity of the appeal and the amount in controversy. Within 15 days after the informal settlement conference, the parties shall inform the Board in writing whether a settlement regarding the correct assessment of the subject property was reached. No court reporter nor any electronic recording device is required at the settlement conference.

(Source: Added at 24 Ill. Reg. 3.038-3, effective 1/1/00)

Section 1910.74 Administrative Review

a) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Code [35 ILCS 200/16-195].

- 1) In every case where a change in assessed valuation of less than \$300,000 was sought before the Board, an administrative review action shall be commenced in the Circuit Court.
- 2) In every case where a change in assessed valuation of \$300,000 or

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more was sought before the Board, an administrative review action shall be commenced directly in the Appellate Court for the district in which the property involved in the Board's decision is situated.

b) The Property Tax Appeal Board will certify the record of its proceedings at a cost to the taxpayer or other entity seeking review, of \$.75 per page for the original transcript, \$.25 per page for all other matters contained in the record, except for any page larger than legal size which will have a cost of \$1.00 per page. [35 ILCS 200/16-195] The estimated cost of preparing the certified record will be mailed to the taxpayer or other entity seeking review. Upon receipt of the necessary payment, the Property Tax Appeal Board will prepare the certified record to be filed with the appropriate court. These charges may be waived when the Board is satisfied that the party seeking review under the Administrative Review Law cannot afford to pay such charges. The failure to make that payment shall relieve the Board of the necessity of filing the certified copy of the entire record of proceedings and shall be authority for the entry of an order by the court, on a motion by the Board or any other defendant, dismissing the action.

c) In all cases where administrative review is sought in the Circuit Court, the original certification of proceedings will be filed by the Board with the Clerk of the Circuit Court. Additional copies will also be prepared by the Board and forwarded to the Attorney General and parties of record to the proceedings. The taxpayer or other entity seeking review shall be responsible for the cost of producing the original and copies of the certified record.

d) In all cases where administrative review is sought directly in the Appellate Court, the original certification of proceedings will be filed by the Board with the Clerk of the Appellate Court. The taxpayer or other entity seeking review shall be responsible for the cost of producing the original certification.

(Source: Added at 24 Ill. Reg. 3.038-3, effective 1/1/00)

Section 1910.75 Access to Board Records - Freedom of Information Procedures

a) Board Policy. This Section is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Section is to support the policy of providing public access to public records in the possession of the Property Tax Appeal Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

- b) Definitions.
 - 1) FOIA - the Freedom of Information Act.
 - 2) Freedom of Information Officer - the individual responsible for

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- receiving and responding to requests for public records.
- 3) Requester - a person who submits a request for public records in accordance with this Section.
- 4) Working days - calendar days other than Saturdays and Sundays and legal State holidays.

- c) Person to whom requests are submitted.
Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to the following address:

Freedom of Information Officer
Illinois Property Tax Appeal Board
402 Stratton Building
401 South Spring Street
Springfield, IL 62706
ATTN: FOIA Request

- d) Form and contents of requests.

- 1) Requests in accordance with the FOIA and this Section shall be in writing. Such requests shall be submitted on FOIA request forms provided by the Board.

- 2) Oral requests are not precluded by the FOIA; neither are they governed by it.

- 3) The requester shall provide the following information in a request for public records:

- A) The requester's full name, address, and telephone number;
B) A brief description of the public records sought, being as specific as possible; and
C) Whether the request is for inspection of public records, copies of public records, or both.

- e) Inspection of records at the Board's offices.

- 1) Generally, public records will be available for inspection at the Board's offices in Springfield or Des Plaines between the hours of 8:30 AM and 5:00 PM Monday through Friday, except on State holidays. Space will be provided for the requester to inspect public records.

- 2) An employee of the Board may be present throughout the inspection.

- 3) A requester shall not be permitted to take briefcases, bags, folders or other similar materials, or pens, into the inspection area.

- 4) A requester will be permitted to take pencils and paper into the inspection area.

- 5) Documents which the requester wishes to have copied shall be segregated during the course of inspection. Generally, all copying will be done by Board employees.

- f) Copies of public records.

- 1) Copies of public records shall be provided to the requester only

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- upon payment of any charges that are due.

- 2) Fees for copies of public records shall be assessed in accordance with Section 6(a) of the FOIA. A schedule of fees will be available in each of the Board's offices as required by Section 4 of the FOIA. Fees may be reduced or waived if the requester satisfies the criteria set forth in Section 6(b) of the FOIA.

- 3) Fees shall be waived if the requester is a State agency, a constitutional officer, or member of the General Assembly.

- 4) Payment shall be made by check or money order payable to the Illinois Property Tax Appeal Board and sent to the Freedom of Information Officer.

- 5) If the requester is unwilling or unable to pick up the copies of requested records at the Board's offices, the requester shall bear mailing or shipping costs.

- g) Time for response.

- 1) The Freedom of Information Officer shall respond to a written request for public records within 7 working days after receipt of such request.

- 2) In the event the request for public records cannot be responded to within 7 days for one of the reasons provided in Section 3(d) of the FOIA, the Board shall have an additional 7 working days in which to respond. The Board shall give the requester notice of the extension of time to respond. Such notice of extension shall set forth the reasons why the extension is necessary.

- h) Types of Board responses.

- 1) The Freedom of Information Officer shall respond to a request for public records in one of three ways:

- A) approve the request;
B) approve in part and deny in part; or
C) deny the request.

- 2) Upon approval of a request for public records, the Freedom of Information Officer may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.

- 3) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairman of the Board.

- 4) Categorical requests creating an undue burden upon the Board shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.

- 5) Failure to respond to a written request within 7 working days may be considered by the requester a denial of the request.

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1) Appeal of a denial.

- 1) A requester whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Chairman of the Board. The Notice of Appeal shall be in writing and shall be addressed to the Board's Springfield office, attention: Chairman (FOIA Appeal).
- 2) The Notice of Appeal shall include a copy of the original request and a written statement setting forth the reasons why the requester believes the appeal should be granted.
- 3) Chairman's response to denial.

The Chairman shall respond to an appeal within 7 working days after receiving a Notice of Appeal. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requester as an affirmation of the denial.

(Source: Amended at 24 Ill. Reg. 1233 effective JAN 3 1990)

Section 1910.90 Practice Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before **hearings conducted** by the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code Act.
- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (3) of this Section. All hearings shall be open to the public.
- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:

- 1) Preliminary matters - motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
- 2) Opening statements - the contesting party shall proceed first, followed by the board **Board of review Review** and **intervenor intervenors**, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
- 3) Case in chief - the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the **board Board of review Review** and **intervenor intervenors**, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;

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- 4) Rebuttal - the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board **Board of review Review** and **intervenor intervenors**, if any;
- 5) Closing statements - the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board **Board of review Review** and **intervenor intervenors**, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(1) of this Part; a hearing which has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.
- e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
- f) Any party may object to the admissibility of evidence or testimony, and such objections must clearly state the specific ground or rule of law which is the basis for the objection.

- 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on such objection in writing prior to the hearing of the appeal.
- 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.

- 3) Any party offering evidence which is ruled inadmissible shall be permitted to make an **e-brief** offer of proof **in-writing** upon motion made at the hearing.
- g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.
- h) Writings, documents and all copies thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.

- 1) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- j) Any party or his witness may be called by any other party as an

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adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling him is surprised by his testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.

k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:

- 1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
- 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.

3) The Hearing Officer may at any time voluntarily disqualify himself or herself.

- 1) It is the policy of the Property Tax Appeal Board that the parties to an appeal should to the fullest extent possible stipulate all matters which are not or fairly should not be in dispute. Prior to the hearing, during a prehearing conference or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.

m) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law, and shall be served by mail on the persons and parties affected thereby as provided in Section 16-185 of the Property-tax Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 24 Ill. Reg. 1233 effective 1/1/70)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Adopted Action:
1030.97 Amendment
1030.98 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b)] and Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6].
- 5) Effective Date of Rulemaking: January 7, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 11504 September 17, 1999
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is being adopted to incorporate recently enacted legislation.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Name: Robert W. Mueller
Assistant Counsel
Address: Driver Services Department
2701 S. Dirksen Parkway
Springfield IL 62723
Telephone: 217-782-5356

The full text of the adopted amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

- Section
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License
1030.12 Driver's License Medical Advisory Board
1030.13 Denial of License or Permit
1030.14 Cite for Re-examination
1030.15 Physical and Mental Evaluation
1030.16 Errors in Issuance of Driver's License/Cancellation
1030.17 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instructional Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening with Vision Aid
1030.80 Arrangements Other Than Standard Eye Glasses or Contact Lenses)
1030.81 Driver's License Testing/Written Test
1030.81 Endorsements
1030.81 Vehicle Inspection
1030.84 Driver's License Testing/Road Test
1030.85 Multiple Attempts/Road Test
1030.86 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement For Photograph and Signature of Licensee on Driver's License
1030.91 Disabled Person/Handicapped Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Diplomatic and Consular Licenses
1030.96 Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege or Permit
1030.98 School Bus Commercial Driver's License
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address

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- 1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
APPENDIX A Questions Asked of a Driver's License Applicant
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2746, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8424, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 2478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection

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of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10929, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective JAN 7 2000.

Section 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege or Permit

- a) For purposes of this Section the following definitions shall apply:

"Driver Remedial Education Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

"Invalidation" - the withdrawal, by consent, court order, death of the holder or the holder's failure to complete a driver remedial education course, of the validation of a person's license, or permit and/or driving privilege in accordance with Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

"Law Enforcement" - a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Secretary of State Employee" - all supervisory personnel within the Department of Driver Services of the Office of the Secretary of State.

- b) The Secretary of State shall invalidate a driver's license, or permit and/or driving privilege when:

- 1) When the holder voluntarily surrenders the license or permit and declares his/her intention to do so in writing to the Secretary;
 - 2) When the Secretary receives a certified court order indicating the holder is to refrain from driving;
 - 3) Upon the death of the holder; or
 - 4) Upon the termination of a suspension period of a driver under the age of 18 whose driving privileges have been suspended pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33) and (34) prior to 7/30/98), (36) and/or Section 11-501.8 of the Illinois Vehicle Code, who has failed to successfully complete a driver remedial education course [625 ILCS 5/6-206(a)(4), (11), (16), (21), (33), and (34), prior to 7/30/98), (36) and/or 11-501.8].
- c) A driver's license or permit invalidated based upon a voluntary

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surrender under this Section may be reinstated in the same manner as prescribed by Sections 6-114 and 6-115 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-114 and 6-115].

- d) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges, except upon the death of the holder.
- e) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent provided the actual license or permit bears a readily identifiable designation evidencing invalidation. To invalidate a license or permit a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State, a law enforcement officer, or a coroner.
- f) The Secretary of State employee, law enforcement officer, or coroner who invalidates a license or permit, shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.
- g) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- h) A driver whose driving privileges are invalidated based upon the driver's failure to complete a driver remedial education course may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and retesting under Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109] if the suspension period is 6 months or greater.

(Source: Amended at 24 Ill. Reg. 1259, effective JAN 7 2000.)

Section 1030.98 School Bus Commercial Driver's License

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" - the without prejudice annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles [625 ILCS 5/6-500(3)].

"Commercial Driver's License Information System (CDLIS)" - the

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information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle, except those referred to in Section 6-500(6)(d) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR E-R-Part 172, subpart F.

"Conviction" - an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated [625 ILCS 5/6-501].

"Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle.

"Felony" - an offense under State or Federal law that is punishable by death or imprisonment for a term of one year or more.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer as the maximum loaded weight of a single or a combination of vehicle(s), or the registered gross weight, whichever is greater. The GVWR of a combination of vehicles (commonly referred to as the Gross Combination Weight Rating (GCWR)) is the GVWR of the power unit plus the GVWR of the towed unit(s), or the combined registered weight of the power unit plus towed unit(s), whichever is greater.

"School Bus" - Every motor vehicle, except as otherwise provided in this definition, owned or operated by or for a school operated by a

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religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity. This definition does not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.

A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

A motor vehicle designed for carrying not more than nine passengers that is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

"School Bus Commercial Driver Instruction Permit (School Bus CDIP)" - an instruction permit, with a "J48" restriction, which limits CMV operation to a school bus only, as defined in this Part.

"School Bus Commercial Driver's License (School Bus CDL)" - a commercial driver's license with a "J48" restriction which limits CMV operation to a school bus only as defined in this Part.

"School Bus CDL Restriction" - a "J48" restriction placed on a commercial driver's license or school bus commercial driver instruction permit which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS

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5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state or territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Third Party Tester" - an entity that has been approved by the Secretary.

- b) In order to be eligible for a school bus commercial driver's license the applicant must:
 - 1) be eligible and have applied for an Illinois school bus permit pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] and 92 Ill. Adm. Code 1035;
 - 2) pass a written school bus core knowledge and passenger endorsement written tests;
 - 3) pass the skills test in a representative vehicle.
- c) In order to be eligible for a school bus commercial driver instruction permit the applicant must pass the written school bus core knowledge test.
- d) The Secretary of State shall issue a school bus CDIP in accordance with Section 1030.65 of this Part and Section 6-105 of the Illinois Vehicle Code [625 ILCS 5/6-105].
- e) The Secretary of State shall deny issuance of a school bus CDL and/or school bus CDIP:
 - 1) for failure to meet the qualification standards contained in Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];
 - 2) for failure to meet any eligibility requirements contained in this Section.
- f) Prior to the issuance of a school bus CDL and school bus CDIP, the Secretary of State shall perform a records check through the Commercial Driver's License Information System (CDLIS) and enter each school bus CDL holder's record into CDLIS [625 ILCS 5/6-513].
- g) A persons applying for and operating on a school bus CDIP shall be exempt from obtaining and holding an Illinois bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.

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- h) All drivers issued a school bus commercial driver's license shall have their commercial motor vehicle operation limited to a school bus, but may operate non-commercial motor vehicles with classification of a lesser classification.
- i) A driver with a school bus CDL issued under this Section shall have on his/her driver's license a "Type" "J48" restriction and a "P" endorsement.
- j) A school bus CDL shall expire in accordance with the provisions of Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115].
- k) The fees for a school bus commercial driver's license shall be as follows:
 - 1) Driver's license upgrade to school bus CDL\$20
 - 2) Renewal school bus CDL\$20
 - 3) Duplicate or corrected school bus CDL\$5
 - 4) Instruction Permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL\$10
 - 5) School bus CDL upgrade to regular CDL\$20
 - 6) Driver's license renewal, plus school bus commercial driver's license instruction permit\$20
- l) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the disqualification provisions of the Illinois Vehicle Code [625 ILCS 5/6-514].
- m) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol in such person's system as outlined in Section 6-515 of the Illinois Vehicle Code [625 ILCS 5/6-515].
- n) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent requirements for commercial motor vehicle drivers as outlined in Section 6-516 of the Illinois Vehicle Code [625 ILCS 5/6-516].
- o) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent warnings as outlined in Section 6-517 of the Illinois Vehicle Code [625 ILCS 5/6-517].
- p) A driver whose school bus CDL or school bus CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118]. The cancellation or withdrawal of a school bus CDL shall remain in effect pending the outcome of that hearing [625 ILCS 5/2-118].
- q) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the cancellation provisions of Section 6-201 of the Illinois Vehicle Code [625 ILCS 5/6-201].
- r) A driver who possesses a school bus CDL or school bus CDIP shall be subject to all provisions of the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V].

(Source: Amended at 24 Ill. Reg. 1259 effective

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- 1) Heading of the Part: School Bus Driver Permit
- 2) Code Citation: 92 Ill. Adm. Code 1035
- 3) Section Number(s) Adopted Action
1035.10 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b)] and Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6].
- 5) Effective Date of Amendment: January 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 11515 (September 17, 1999)
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This rulemaking is being adopted to incorporate recently enacted legislation.
- 16) Information and questions regarding this adopted rule shall be directed to:
Robert W. Mueller
Assistant General Counsel
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217-782-5356

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The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1035
SCHOOL BUS DRIVER PERMIT

Section	Definitions
1035.10	Requirements of Applicants for a School Bus Driver Permit
1035.15	Annual Medical Examination and Certificate
1035.20	Permit Application Process
1035.25	Training
1035.30	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.35	Notice
1035.40	Employer Responsibility
1035.45	Hearings
1035.50	

AUTHORITY: Implementing Section 6-106.1, and authorized by Section 6-521, of the Illinois Vehicle Code.

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 10, 1995; amended at 24 Ill. Reg. 1269 effective JAN 10 1996.

Section 1035.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Cancellation" - cancellation of school bus driver permit
- the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to such permit, refusal or neglect of the person to submit an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-106.1 and 6-207 of the Illinois Vehicle Code [625 ICS 5/1-110, 6-106.1 and 6-207].

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default. "~~Conviction~~"-----"~~an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated~~ [625-IIS-5/6-586(f)]

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"Denial" - to prohibit or disallow the privilege to obtain a school bus driver permit and/or the privilege to operate a school bus in accordance with Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/1-115.3] [625 ILCS 5/6-106.1].

"Employer" - any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"Employer Certification" - a form as prescribed by the Secretary of State submitted by the employer which certifies that an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

"Fingerprint Process" - a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a school bus driver permit and submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI).

"Home State" - the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, which have issued a valid and properly classified driver's license.

"Lapse" - a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

"Medical Examiner's Certificate Form" - a form upon which a licensed medical examiner records results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Miscellaneous Suspension" - a safety and financial responsibility, unsatisfied judgment, auto emissions, penalty for parking violation, failure to appear, and all suspensions which are rescinded and are no longer in effect.

"Pre-Employment Conditions" - an applicant must be interviewed by the prospective employer; complete a school bus driver permit application and prescribed medical report form; successfully pass a physical examination; successfully complete a fingerprint based Illinois specific background check with fingerprints forwarded to the FBI for a

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national background check; and receive the required specialized training.

"Provisional Status" - the temporary privilege to operate a school bus pending the completion of the Federal Bureau of Investigation (FBI) criminal background check.

"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic" for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

"Repeatedly involved as a driver in motor vehicle collisions" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].

"Rescind Order" - a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit to a person.

"Review of Driving Habits" - a review of the applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Section 6-106(1), (2), (3), (9), (10), (11), (12) and (13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-106(1), (2), (3), (9), (10), (11), (12) and (13)] have been met.

"School Bus" - every motor vehicle, except as provided in this definition, owned or operated by or for a school operated by a religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity or entity. This definition does not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.

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A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

A motor vehicle designed for carrying not more than nine passengers which is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

"School Bus Driver Permit" - permit issued for a period of one (1) year to school bus drivers by the office of the Secretary of State pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"School Bus Driver Permit Application" - the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS 5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in a school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension of Driver License" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the

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Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension of School Bus Driver Permit" - the temporary withdrawal by formal action by the Secretary of a person's permit which grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary.

"Waiver" - an exemption allowed under certain conditions rendering an ineligible applicant eligible.

(Source: Amended at 24 Ill. Reg. 1269, effective JAN 17 2001)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of The Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.620 Amendment
150.660 Amendment
- 4) Statutory Authority: [20 ILCS 2610/9]
- 5) Effective Date of Rulemaking: January 5, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 24, 1999
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Format changes were made in accordance with the suggestions received from the Administrative Code Unit.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rule changes will allow discovery depositions and outlines qualifications and disqualification for Hearing Officers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

James E. Seiber, Executive Director
3180 Adloff Lane, Suite 100
Springfield, IL 62703
217/786-6240

DEPARTMENT OF STATE POLICE MERIT BOARD

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The full text of the adopted amendment begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section

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APPENDIX A Vision Standards
APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100 effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 1775, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill.

DEPARTMENT OF STATE POLICE MERIT BOARD

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Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days, amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 8679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 13663, effective October 3, 1996; for a maximum of 150 days; amended at 20 Ill. Reg. 18662, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective JAN 5 2000.

Section 150.620 Hearing Officer

- a) A Hearing Officer may be appointed by the Board and shall have the authority to conduct hearings, administer oaths, examine witnesses, and issue orders subject to Board review.
- b) A Hearing Officer must be:
 - 1) an attorney licensed to practice in the State of Illinois; and
 - 2) fit, knowledgeable with respect to administrative hearing rules and procedures.
- c) Grounds for disqualification of a Hearing Officer include, but are not limited to, family, personal or economic conflicts.

(Source: Amended at 24 Ill. Reg. 1276, effective JAN 5 2000.)

Section 150.660 Evidence Depositions

Upon application to order of the Hearing Officer, or the Board, and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling of travel, arrangement considerations, or by agreement of the parties) any party may request leave to depose a potential cause a deposition of any witness for discovery purposes or request a deposition of any witness to be taken for evidence in a Board proceeding. If desired, subpoenas may be requested upon application to the Hearing Officer or the Board to compel the appearance of a witness for deposition upon the filing of a written request for subpoena which shall be served on all parties to the proceedings and may be made at the time the request for deposition is filed. The issuance and service of subpoenas shall be performed in the same manner set forth in Section 150.650 of this Part to be taken for use as evidence in a Board proceeding. The deposition shall proceed may be taken in the manner provided by law for depositions in civil actions in the courts of this State.

(Source: Amended at 24 Ill. Reg. 1276, effective

DEPARTMENT OF STATE POLICE MERIT BOARD

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JAN 5 2000)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Non-Federal Grant Funds
- 2) Code Citation: 20 Ill. Adm. Code 1560
- 3) Section Numbers:
 - Emergency Action:
 - 1560.10 Amendment
 - 1560.20 Amendment
 - 1560.31 New Section
 - 1560.40 Amendment
 - 1560.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].
- 5) Effective Date of Amendments: January 7, 2000
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date filed in Agency's Principal Office: January 7, 2000

8) Reason for Emergency: The Illinois General Assembly intends to create a sexual assault nurse examiner (SANE) pilot program to establish SANE projects in Illinois. The Illinois Criminal Justice Information Authority ("Authority") has been designated to receive general revenue funds to implement the SANE pilot program, including SANE projects in hospital emergency rooms geographically distributed throughout Illinois. For each project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses. The administration of SANE general revenue funds is not governed by the Authority's existing funding rules.

The General Assembly has found that the compassionate treatment of sexual assault victims in hospital emergency rooms is necessary to help alleviate the suffering of sexual assault victims, and that the effective collection and presentation of forensic evidence in sexual assault cases is necessary to increase the success rate of prosecutions for sex crimes in Illinois. To serve these important purposes, and to fully serve the public interest and welfare, the Authority must begin administering funds that it receives for implementation of the SANE pilot program as soon as possible after their receipt.

To do so expeditiously, the Authority needs to have in place operating procedures for the administration of SANE general revenue funds. With these operating procedures in place, and upon receipt of the appropriation

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

to implement the SANE pilot program, the Authority may begin funding the SANE projects that will implement the important purposes of the SANE pilot program, and affect the public interest and welfare. These pilot projects shall compassionately treat and serve victims of sexual assault in hospital emergency rooms, and effectively collect and present forensic evidence in sexual assault cases to increase the success rate of prosecutions for sex crimes in Illinois.

For the foregoing reasons, the Authority finds that there exists a situation that constitutes a threat to the public interest and welfare within the meaning of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45].

9) A Complete Description of the Subjects and Issues Involved: Delineates operating procedures for the administration of general revenue funds to implement the Sexual Assault Nurse Examiner (SANE) pilot program, including SANE pilot projects geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.

10) Are there any proposed amendments to this Part pending: Yes

11) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.

12) Information and questions regarding these amendments shall be directed to:

Kristi J. Kangas, Legal Advisor
 Illinois Criminal Justice Information Authority
 120 S. Riverside Plaza
 Chicago IL 60606-3997
 (312) 793-8550 (Voice)
 (312) 793-4170 (TDD)

The full text of the emergency amendments begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1560

OPERATING PROCEDURES FOR THE ADMINISTRATION OF NON-FEDERAL GRANT FUNDS

Section

1560.10 Purpose and Authorization

EMERGENCY

1560.20 Definitions

EMERGENCY

1560.30 Application and Receipt of Non-Federal Grant Funds

EMERGENCY

1560.31 Application and Receipt of Sexual Assault Nurse Examiner (SANE)

EMERGENCY

1560.40 Administration of Non-Federal Grant Funds

EMERGENCY

1560.50 Appeals

EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Adopted at 15 Ill. Reg. 7034, effective April 25, 1991; emergency amendment at 24 Ill. Reg. 12.82, effective January 7, 2000, for a maximum of 150 days.

Section 1560.10 Purpose and Authorization

EMERGENCY

The Illinois Criminal Justice Information Authority (Authority) establishes this part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by private sources...[20 ILCS 3930/7(k)] ~~that--Rev--Stat--1989--ch-38--par-210-7(k), to receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of the this Act...~~[20 ILCS 3930/7(l)] ~~that--Rev--Stat--1989--ch-38--par-210-7(k), to enter into contracts and to cooperate with units of general local government or combinations of such units, State state agencies, and criminal justice agencies of other states for the purpose of carrying out the duties of the Authority authority imposed by the this Act...~~[20 ILCS 3930/7(m)] ~~that--Rev--Stat--1989--ch-38--par-210-7(k), to enter into contracts and cooperate with units or general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois Criminal Justice System, or to participate in the cooperative development or design of new software or systems to be used by the Illinois Criminal Justice System...~~[20 ILCS 3930/7(n)] ~~that--Rev--Stat--1989--ch-38--par-210-7(k), and to establish general policies concerning criminal justice information systems and to promulgate such rules,~~

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

regulations and procedures as are necessary to the operation of the Authority...[20 ILCS 3930/7(o)] and...shall, subject to appropriation, establish a sexual assault nurse examiner (SANE) pilot program [20 ILCS 3930/7.(g)]. ~~that--Rev--Stat--1989--ch-38--par-210-7-(o)}~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 12.82, effective January 7, 2000, for a maximum of 150 days)

Section 1560.20 Definitions

EMERGENCY

"Adverse Action" - The term "adverse action" means any or all of the following with respect to non-federal grant funds administered by the Authority:

The suspension by the Executive Director of the performance of an interagency agreement for more than ~~twenty-eight--(28)~~ days aggregated within a twelve month period, exclusive of any period of extension that may be granted under Section 1560.40.

The termination of an interagency agreement by the Executive Director.

The denial by the Executive Director of a request for a material revision to an interagency agreement.

"Budget Committee" - The term "Budget Committee" means the Budget Committee of the Authority as empowered by the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340).

"Executive Director" - The term "Executive Director" means the Executive Director of the Authority [see 20 ILCS 3930/6 ~~that--Rev--Stat--1989--ch-38--par-210-6 and 2 Ill. Adm. Code 1750.350~~].

"Grantor" - The term "grantor" means any entity that provides the non-federal grant funds to the Authority.

"Interagency Agreement" - The term "interagency agreement" means a contract between the Authority and a State state agency, unit of local government, or other public or a private organization whereby the Authority provides non-federal grant funds to carry out specified programs, services or activities.

"Implementing Agency" - The term "implementing agency" means any party, including the Authority, designated to receive funds administered by the Authority pursuant to this Part ~~these--rules~~.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 1282, effective January 7, 2000, for a maximum of 150 days)

Section 1560.31 Application and Receipt of Sexual Assault Nurse Examiner (SANE) General Revenue Funds
EMERGENCY

- a) The Illinois General Assembly intends to create a sexual assault nurse examiner (SANE) pilot program to establish SANE projects geographically distributed throughout Illinois. Subject to an appropriation of general revenue funds ("SANE funds") from the Illinois General Assembly, the Illinois Criminal Justice Information Authority ("Authority") will implement the SANE pilot program. Including SANE pilot projects in hospital emergency rooms geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.
- b) The Authority shall review the funding purposes of the SANE pilot program set forth by authorizing legislation [20 ILCS 3030/7.1] and invite eligible hospitals to submit proposals to implement the SANE pilot program through a request for proposal (RFP) process. Based on the authorizing legislation and the proposals received in response to the Authority's RFP, the Authority shall select proposals for SANE funding at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- c) The Executive Director of the Authority shall develop an RFP based on the following criteria:
 - 1) the SANE pilot program authorizing legislation [20 ILCS 3030/7.1];
 - 2) requirements imposed on the Authority and potential recipient implementing agencies by applicable law, regulations and guidelines;
 - 3) the nature and complexity of the SANE pilot program;
 - 4) the types of hospitals eligible to receive SANE funds; and
 - 5) current research findings, and demographic, medical, social science, criminal justice and statistical data that is relevant to SANE program purposes.
- d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:
 - 1) the purposes, goals and objectives of the SANE pilot program, and the types of SANE pilot projects that will be considered for funding;
 - 2) requirements that implementing agencies receiving SANE funds must meet, and adhere to, such as eligibility, reporting and fiscal

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 3) certifications required by law, including, but not limited to, the State of Illinois Drug-Free Workplace certification and State Bribery and Bid-Rigging certifications;
- 4) the criteria by which the Executive Director of the Authority will review and recommend proposals for funding; such criteria shall be given an associated weight and shall include:
 - i) the adequacy with which the proposed SANE pilot project reflects the purposes, goals and objectives of the SANE pilot program;
 - ii) whether the applicant is an eligible hospital as defined by SANE pilot program requirements;
 - iii) the adequacy with which the applicant describes and supports the need for the SANE pilot project within the applicant's hospital emergency room;
 - iv) the qualifications of key personnel that will perform SANE pilot project activities;
 - v) the technical merit of the proposed SANE pilot project design, as reflected in the proposal received by the Authority; this criteria includes an assessment of the sufficiency of the proposed project in addressing the purposes, goals and objectives of the SANE pilot program; an assessment of the methods by which the proposed project will implement and adhere to SANE programmatic and training requirements and standards; and an assessment of how the applicant will administer the project, both fiscally and programmaticaly, to achieve the purposes, goals, objectives, and project duration requirements of the SANE pilot program;
 - vi) the applicant's capability to carry out the goals and objectives of the SANE pilot program in the manner reflected in the proposal received by the Authority;
 - vii) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
 - viii) the applicant's ability and commitment to providing victim centered services to victims of sexual assault and collaboration with other organizations and agencies to improve the response to sexual assault victims;
 - ix) the ability of the applicant to sustain the SANE pilot project if State or federal funding is not available; and
 - x) any additional criteria that would further SANE program purposes;
- 5) the deadline by which, and location where, proposals must be received by the Authority;
- 6) the total amount of SANE funding available for distribution through the RFP process, and the maximum amount of SANE funding that eligible implementing agencies may apply for through the

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within ~~five~~-5 working days.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 19 8 2 3, effective January 7, 2000, for a maximum of 150 days)

Section 1560.50 Appeals

EMERGENCY

- a) The appeals procedures for this Part are subject to provisions of Article 10 Sections--~~48--through--45~~ of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10] ~~(((11--Rev--Statr-1989--ch-127--par-144--14557.~~
- b) An implementing agency may appeal any adverse action of the Executive Director by writing to the Budget Committee within ~~fourteen~~-14 days from the day the notice of adverse action is mailed to the implementing agency. This written appeal shall contain specific reasons stating why the adverse action taken by the Executive Director should be modified and the action requested of the Budget Committee and shall be signed by the implementing agency's authorized official.
- c) If no timely appeal is taken from an adverse action, such action of the Executive Director will be deemed the final action of the Budget Committee, and Authority members shall be notified within ~~five~~-5 business days or before the next Authority meeting, whichever is sooner -- by phone, mail or written equivalent -- of the action of the Executive Director.
- d) When an appeal is timely filed, the Chairman of the Budget Committee shall arrange for the Committee to hear and decide the appeal within ~~forty-nine~~-49 days of the receipt of the written appeal. The implementing agency shall have the right to appear before the Committee and to be represented at the hearing by counsel and shall be notified of the hearing date at least ~~seven~~-7 days prior to the hearing.
- e) At the hearing, the Budget Committee shall consider the written appeal to the adverse action submitted pursuant to subsection (b), any written response to that appeal by Authority staff, and any testimony given by the implementing agency or Authority staff to questions posed by Committee members.
- f) The Budget Committee shall render a decision on the appeal before adjourning the hearing.
- g) In accordance with the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), Authority members shall be notified within ~~five~~-5 business days or before the

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

next Authority meeting whichever is sooner -- by phone, mail or written equivalent -- of all appeal decisions made by the Budget Committee. Within ~~ten~~-10 business days after receipt of such information, a special meeting of the Authority shall be convened upon signed request of ~~five~~-5 Authority members, for the purpose of fully discussing such action taken by the Budget Committee and to supersede the authorization granted to that Committee to act upon the Authority's behalf in any particular appeal. If no action is taken by the Authority, the decision of the Budget Committee shall be deemed the final action of the Authority. Such meetings shall be conducted in conformance with the Open Meetings Act [5 ILCS 120] ~~(((11--Rev--Statr-1989--ch-127--par-144--et--seq-7 and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 19 8 2 3, effective January 7, 2000, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Livestock Management and Facility Regulations
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 187; January 7, 2000

4) Date, Time and Location of Public Hearing:

Wednesday, January 26, 2000, 10:00 a.m.
Springfield Extension Center
Washington Room
State Fairgrounds
Illinois State Fair Building 30
Springfield, Illinois

- 5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture
Attention: Cynthia Ervin
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
FAX # 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than January 12, 2000. All comments received will be fully considered by the agency.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Livestock Management and Facility Regulations
- 2) Code Citation: 8 Ill. Adm. Code 900
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 14371; December 17, 1999

4) Date, Time and Location of Public Hearings:

Wednesday, January 12, 2000, 10:00 a.m.
Heritage Room - Holmes Student Center
Northern Illinois University
DeKalb, Illinois

Tuesday, January 18, 2000, 10:00 a.m.
Knights of Columbus Hall
1501 West Lafayette Avenue
Effingham, Illinois

Thursday, January 20, 2000, 10:00 a.m.
Illinois Building Theater
Illinois State Fairgrounds
Springfield, Illinois

- 5) Other Pertinent Information: Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture
Attention: Cynthia Ervin
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
FAX # 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than January 5, 2000. All comments received will be fully considered by the agency.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:
113.141 Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
November 5, 1999 at (23 Ill. Reg. 13305)
- 5) Reason for the Withdrawal The Department has proposed amendments to Section 113.141 to increase the prepaid burial exemption on an irrevocable funeral and burial fund from \$4,000 to \$4,120. This 3% increase is mandated by the current rule as an annual increase. The proposed amendments are being withdrawn because the Department has now determined that an annual change to this rule is not necessary.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1998), the Illinois Department of Labor will convene a public hearing to investigate and ascertain the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in carpenter, millwright and pile driver work on public works projects in the Counties of Alexander, Clay, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Massac, Perry, Pope, Pulaski, Richland, Saline, Wabash, Wayne, and White, State of Illinois, and the prevailing rate of wages for the classification(s).

1) Date, Time and Location of Public Hearings:

Wednesday, February 16, 2000
10:00 A.M.
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701

2) Other Pertinent Information:

Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Labor will adhere to the following procedures in the conduct of the hearing:

1. No oral testimony shall exceed an aggregate of forty-five (45) minutes.
2. Each person presenting oral testimony shall provide to the hearing officer written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
4. Subject to these requirements, when the hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may offered in written form.
5. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as she deems necessary.

Please take notice that the Illinois Department of Labor shall not use the testimony and/or submission(s) presented by any interested person at the hearing against that person, or organization(s) that s/he represented at the hearing, in a Department of Labor action to administer and enforce the Prevailing Wage Act.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

- 3) Name and Address of Agency Contact Person: Questions regarding the public hearings shall be directed to:

William A. Rolando, Deputy Director
Illinois Department of Labor
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Standards for Protection against Laser Radiation, 32 Ill. Adm. Code 315
- 1) Rulemaking: Proposed Rule
- A) Description: The Department is proposing this rulemaking to establish standards for protection against laser radiation and to implement the requirements of the Laser System Act of 1997.
- B) Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: May 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations licensed to use radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.
- F) Agency contact person for information:
Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Financial Surety Requirements, 32 Ill. Adm. Code 326
- 1) Rulemaking: Proposed Rule
- A) Description: The Department is proposing this rulemaking in response to comments from the regulated community that the Department consider streamlining the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. Requirements for establishment of financial surety to ensure licensees will have funds available to properly decontaminate facilities and dispose of radioactive material have been moved from Part 330 and modified to include more categories of licensees.

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2000 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: February 2000

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations licensed to use radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Specific Licenses for Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to clarify and streamline certain licensing requirements. Additional requirements for persons generally licensed to possess radioactive materials were contained in 32 Ill. Adm. Code 320 and have been included in this Part. Further, the amendments to this Part describes procedures and requirements for large licensees to establish emergency plans and delete old requirements and adds references to the new financial assurance requirements being proposed at 32 Ill. Adm. Code 326.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: February 2000

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed changes will not have any

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2000 REGULATORY AGENDA

significant impact on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Standards for Protection Against Radiation, 32 Ill. Adm. Code 340

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will: (1) replace the provisions contained in Section 340.1060 which will improve the quality and uniformity of information contained in manifests that are required to control transfers of low-level radioactive waste that is ultimately intended for disposal at a land disposal facility; (2) adopt by reference a set of forms that allows low-level radioactive waste to be tracked from its origin to meet NRC, Department of Transportation (DOT), State and Compact information requirements; (3) allow low-level radioactive waste operators to electronically store container-specific manifest information; and (4) clarify the requirements in Section 340.1270 for reporting of missing waste shipments.

B) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: May 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive

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Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Quality Standards and Certification Requirements for Facilities Performing Mammography, 32 Ill. Adm. Code 370

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to: (1) provide for the notification of patients by facilities of the results of mammography examinations to be consistent with current FDA regulations; (2) consolidate all beam-limiting devices to fully cover the chest wall; (3) add a new reciprocity Section for mobile mammography systems; (4) assess an annual certification fee of \$250 for each additional mammography certificate issued to a certified mammography installation; and (5) change references to be consistent with other changes to Department regulations regarding qualifications of individuals as diagnostic imaging specialists.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: May 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- f) Part (Heading and Code Citation): Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

1) Rulemaking: Proposed Amendment

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- A) Description: The Department is amending this Part to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will: (1) add a new subsection (c) to Section 601.70 requiring that the licensee provide a description of the facility electronic recordkeeping system; (2) clarify recordkeeping procedures detailed in Section 601.330; and (3) make editorial changes to clarify the text so that the style of this rule is consistent with other Department rules.

- B) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: May 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- g) Part (Heading and Code Citation): Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation, 32 Ill. Adm. Code 606 Rulemaking: Proposed Amendment

1) Rulemaking:

- A) Description: The Department is proposing this amendment to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will add a new subsection (e) to Section 606.40 allowing licensees to store or have stored manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system.

- B) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

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C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: May 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 783-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

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a) Parts (Headings and Code Citations): Organization, Public Information, and Types of Proceedings (2 Ill. Adm. Code 2175)

1) Rulemaking: No docket number presently assigned.

A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. In recent months, the Board closed its office in Jerseyville and opened a office in Jacksonville. The Board must amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the spring of 2000.

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standards proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

b) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

- A) Description: Existing 35 Ill. Adm. Code: Subtitle A (Parts 101 through 106 and 120) contains the Board's procedural rules. After an extensive review of these rules, the Board adopted a proposal on October 3, 1996. The Board adopted the proposal for public comment and hearing only, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules. In response to public comment on the initial proposal, the Board is modifying the rules and preparing a proposal for First Notice publication in the *Illinois Register*.

- B) Statutory authority: Implementing and authorized by Sections 26 and 28 of the Environmental Protection Act (415 ICS 5/26 & 28).

- C) Scheduled meeting/hearing dates: The Board anticipates holding hearings in Springfield and Chicago during the period of March through May of 2000.

- D) Date agency anticipates First Notice: The Board anticipates First

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Notice publication of the proposed rules in the *Illinois Register* in January or February of 2000.

- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding. These proceedings include enforcement actions; rulemaking, variance, adjusted standard, and site-specific rulemaking proceedings; permit appeals; pollution control facility siting appeals; and any other actions provided for by law.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Carol Sudman
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509
csudman@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Parts 101 through 106 or 120.

- c) Part (Heading and Code Citation): permits and General Provisions (35 Ill. Adm. Code 201)

- 1) Rulemaking: No docket number presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the transfer of permits to new owners and the permitting of portable emission units. This rulemaking would address the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. Additionally, the proposed rule would address the permitting of emission units that are

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portable and may emit pollutants at multiple sites.

- B) **Statutory authority:** Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 & 27].
- C) **Scheduled meeting/hearing dates:** The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the spring or summer of 2000. The IEPA may file two separate rulemaking proposals, one for portable emission units and another for changes of unit ownership. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) **Date agency anticipates First Notice:** An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the spring or summer of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) **Effect on small business, small municipalities, or not-for-profit corporation:** This rule may affect any small business, small municipality or not-for-profit corporation that either purchases a PESPOT-permitted emissions source or which owns or operates a portable emission unit.
- F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:
- Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601
- Address questions concerning this regulatory agenda as follows:
- Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@cb084r1.state.il.us
- G) **Related rulemakings and other pertinent information:** One other prospective rulemaking (see item (d) below) and other, as yet unknown, unrelated Board proceedings could impact Part 201. For

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information regarding the IEPA's development of its proposal, please contact the following IEPA attorney:

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- d) **Parts (Headings and Code Citations):**
Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) **Rulemaking:** No docket number presently assigned.

- A) **Description:** The Illinois Environmental Protection Agency (IEPA) has been developing a rulemaking proposal for filing before the Board that would reduce nitrogen oxides (NOx) emissions statewide to address tropospheric ozone levels. This proposal may include the following features: the control of emissions from large NOx stationary sources--specifically, boilers and turbines serving electric generator units having greater than 25 megawatts capacity, boilers and turbines with head input greater than 250 mmBtu/hr, large cement kilns with ozone-season NOx emissions greater than 1 ton per day, and large internal-combustion engines. The proposal might also include emission rate limits for ozone-season emissions greater than 1 ton per day or might include trading-based control measures. The IEPA has further suggested that it might also propose amendments to 35 Ill. Adm. Code 201 relating to continuous emissions monitoring and 35 Ill. Adm. Code 211 relating to definitions.
- B) **Statutory authority:** Implementing and authorized by Sections 9.9, 27, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 27 & 28.5].
- C) **Scheduled meetings/hearing dates:** The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in June 2000. No hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5] for those rulemakings required under the federal Clean Air Act.
- D) **Date agency anticipates First Notice:** IEPA submittal of a

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Proposal to the Board will commence this proceeding, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*. No submittal date has been established.

- E) Effect on any small businesses, small municipalities, or not-for-profit corporations: This rule would affect any small business, municipality, or not-for-profit corporation that owns or operates a large stationary source that emits NOX.

- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: One other prospective rulemaking (see item (c) above) and other, as yet unknown, unrelated Board proceedings could impact Part 201. Reserved docket R00-9 (see item (f) below), another unfiled IEPA proposal (see item (g) below), and other unknown proceedings could affect the text of Part 211. No other presently-known proceedings would affect the text of Part 217. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- e) Parts (Headings and Code Citations): Vehicle Scrappage (35 Ill. Adm. Code 207)

- 1) Rulemaking: No docket number presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a regulatory proposal for submission to the Board. The prospective amendments would augment the Emissions Reduction Market System (ERMS) in the Chicago non-attainment area, defining creditable emissions reductions through a motor vehicle

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scrappage program. The proposal would include requirements for sponsoring entities to augment allocation of allotted trading units under 35 Ill. Adm. Code 205 through the purchase and scrappage of older high-emissions motor vehicles.

- B) Statutory authority: Implementing and authorized by Section 138-30(e) of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/138-30(e)] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in December 1999 or January 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings in affected areas of the state, as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in December 1999 or January 2000, at which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that elects to participate in the motor vehicle scrappage program, which would be voluntary.

- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 207. If you have any questions concerning development of the IEPA proposal, please contact the following IEPA attorney:

Bonnie R. Sawyer
Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

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Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

F) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R00-9

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implemented plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R00-9 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 1999, through December 31, 1999. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R00-9, as unnecessary and appropriate.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 1999, the due date for Board adoption would be July 1, 2000.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the Federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2000, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-March 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-9, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-9, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
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- G) Related rulemakings and other pertinent information: Other prospective proceedings (see items (d) above and (g) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211. Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- 9) Parts (Headings and Code Citations):
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

- A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois rules for the 15% Rate of Progress (ROP) Plan rulemakings required pursuant to Section 182(b)(1) of the Clean Air Act (CAA): (1) the rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language. The rulemaking is intended to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchlorethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing. This rulemaking is intended to make state rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings, amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation, reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with

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the changes made to 35 Ill. Adm. Code 218 and 219.

- B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].
- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the spring or summer 2000. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the spring or summer 2000. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.
- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:
Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us
- G) Related rulemakings and other pertinent information: Another prospective IEPA proposal (see item (d) above) and the reserved identical-in-substance definition of VOM update docket, R00-9 (see item (f) above), and other as yet unknown proceedings could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:
Deborah Williams

POLLUTION CONTROL BOARD

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Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- h) Part (Heading and Code Citation): Nonmethane Organic Emissions (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to municipal solid waste landfills (MSWLFs). The prospective amendments would amend the permit regulations so that modifications at a MSWLF due to Resource Conservation and Recovery Act (RCRA) or Comprehensive Environmental Response, Compensation and Liability Act requirements would not be considered construction or modification at the facility. The proposal would also reflect that while the IEPA can approve testing requirements different from those prescribed in the test method, the United States Environmental Protection Agency has reserved the authority to approve alternative test methods. In addition, the proposal would correct several typographical errors in the existing text of the rules.

B) Statutory authority: Implementing and authorized by Sections 4, 9.1, 27, and 28.5 of the Environmental Protection Act [415 ILCS 5/4, 9.1, 27 & 28.5].

C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the spring or summer of 2000. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the spring or summer of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that

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owns or operates a MSWLF.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 220. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Alec Messina
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

i) Part (Heading and Code Citation): Toxic Air Contaminants (35 Ill. Adm. Code 232)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.

B) Statutory authority: Implementing and authorized by Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 & 27].

C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the spring of 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a

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Proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the spring of 2000. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.

- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 232. For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Angela Tin
Illinois Environmental Protection Agency
Environmental Policy
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- J) Part (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act (42 USC Secs. 7401 et seq.) and the Vehicle Emissions Inspection law of 1995 (625 ILCS 5/138-1 et seq.). The Board adopted amendments to Part 240 that provide the necessary standards for Enhanced I/M testing on December 1, 1994, in dockets R94-19 and R94-20. However, the IEPA has stated that it believes

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that certain clarifications of the Part 240 rules may be needed to ensure consistency with recent federal guidance and IEPA procedural rules contained at 35 Ill. Adm. Code 276. For these reasons, the IEPA has stated that it may submit a proposal for regulatory amendments before the Board. A specific element of this rulemaking would be amendments to "fast-pass" exhaust emissions standards contained in Part 240.

- B) Statutory authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B-20) and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/27).

- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the spring or summer of 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the spring or summer of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Christopher Demeroukas
Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

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Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 240.

k) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency (IEPA) is reviewing the water quality standards and criteria pertaining to various wastewater parameters. The IEPA has stated that it may prepare a petition to update the standards and criteria for filling before the Board if necessary. The water quality parameters that the proposal would affect might include, but might not be limited to the following: selenium, cadmium, zinc, nickel, barium, benzene, toluene, ethylbenzene, xylene, and weak acid dissociable cyanide.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act (415 ILCS 5/11, 13 & 27).

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in April 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in April 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pc084rl.state.il.us

- G) Related Rulemaking and other pertinent information: Another prospective proceeding (see item (1) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 302. For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

- 1) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. These rules would establish the criteria that the IEPA would use to ensure compliance by individual dischargers with the stream water quality nondegradation requirement of 35 Ill. Adm. Code 302.105.

- B) Statutory authority: Implementing and authorized by Sections 11(b), 13, and 27 of the Illinois Environmental Protection Act (415 ILCS 5/11(b), 13 & 27).

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in March 2000. No meetings or hearing are scheduled at this time. Once the proposal

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is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in March 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb08411.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (k) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 302. For information regarding the IEPA's development of this proposal, please contact the following person at IEPA:

Toby Prevett
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

n) Parts (Headings and Code Citations):

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Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R00-15

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the Federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA). The Board has reserved docket number R00-15 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 1999, through June 30, 1999. At this time, the Board is aware that USEPA undertook four actions that affected the text of 40 CFR 400 through 499 and its implementation. These actions, together with a brief description of each, are as follows:

64 Fed. Reg. 42552
(August 4, 1999)

USEPA amended the Clean Water Act standards for the use and disposal of sewage sludge. The amendment of this action had the effect of amending the pretreatment regulations to allow removal credits for chromium in land-applied sludge. The Board will need to assure that these amendments are incorporated into the Illinois rules.

64 Fed. Reg. 48103
(September 2, 1999)

USEPA adopted correcting amendments to the amendments to the September 21, 1998 (63 Fed. Reg. 50388) amendments to the effluent limitations and pretreatment standards for the pharmaceutical manufacturing category. The amendments make a minor amendment to the pretreatment aspects of the September 21, 1998 amendments. The Board adopted the September 21, 1998 federal amendments on July 23, 1999 in docket R99-17. The Board will need to assure that the corrective amendments are incorporated into the Illinois rules.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by

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about mid-February 2000. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure. Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is August 4, 1999, the due date for Board adoption of all amendments in the period would be August 4, 2000.

B) **Statutory authority:** Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) **Scheduled meeting/hearing dates:** None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) **Date agency anticipates First Notice:** The Board cannot project an exact date for publication at this time. The Board expects to verify all federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary to implement the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be August 4, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-May 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) **Effect on small business, small municipalities, or not-for-profit corporations:** This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking, noting docket number R00-15, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Address questions concerning this regulatory agenda, noting docket number R00-15, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambr@pcb04f1.state.il.us

G) **Related rulemakings and other pertinent information:** No other presently-known proceeding would affect provisions of Parts 307 and 310. Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

H) **Part (Heading and Code Citation):** Permits (35 Ill. Adm. Code 309)

1) Rulemaking:

A) **Description:** The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the standards and procedures for the IEPA to use in setting effluent limits by permit that are necessary to ensure compliance with water quality standards for individual discharges that are derived under 35 Ill. Adm. Code 304.105.

B) **Statutory authority:** Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) **Scheduled meeting/hearing date:** The IEPA presently anticipates that it will file a rulemaking proposal in March 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. [415 ILCS 5/27 & 28].

D) **Date agency anticipates First Notice:** An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in March 2000.

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After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (c) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the IEPA's development of this proposal, please contact the following person at IEPA:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1634

- o) Part (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

- 1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the criteria to be used by the IEPA in determining

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mixing zones necessary to ensure compliance with water quality standards for individual dischargers under 35 Ill. Adm. Code 302.102.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in March 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in March 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (h) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the IEPA's development of this proposal, please contact the following

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person at IEPA:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 Grand Ave. East
Springfield, IL 62794-9276
217-782-1654

- P) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures for the applicable to sludge that is land applied.

- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27].

- C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in early 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in early 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

- F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500

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Chicago, Illinois 60601

312-814-6929
kcrowley@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 313. Proposed amendments to the IEPA's rules entitled, "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, involve a related subject matter. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Lisa Moreno
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

1) Parts (Headings and Code Citations):

- General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)
Implementation Program (35 Ill. Adm. Code 504)

1) Rulemaking: Docket number R98-11

- A) Description: The Livestock Management Facilities Act (510 ILCS 777) (LWMA), effective May 21, 1995, sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The Livestock Act also directed the Department of Agriculture to propose and the Board to adopt rules to implement the LWMA. On May 15, 1997, in docket R97-15(A), the Board adopted the rules of 35 Ill. Adm. Code 506 under this mandate for implementation by the Department of Agriculture. In adopting the

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new Part 506 rules, the Board noted that regulations specific to livestock waste management facilities already existed in 35 Ill. Adm. Code 501 through 504, and that any inconsistencies between the existing and new rules should be reconciled. Accordingly, the Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LWMA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LWMA. The Board opened docket R98-26 to amend the LWMA-related rules to conform with the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed.

B) Statutory authority: Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act (415 ILCS 5/9, 13, 22 & 27).

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Amendments in the Illinois Register within the next 12 months. The Board cannot propose amendments under docket R98-11 until after the completion of amendments to conform the Part 506 rules to later statutory amendments are completed under docket number R98-26.

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 South Second Street, Suite 402 Springfield, Illinois 62704
217-524-8509.
csudman@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: Docket number R98-26

A) Description: The Livestock Management Facilities Act [510 ILCS 77] (LWMA), P.A. 89-456, effective May 21, 1996, sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The LWMA also directed the Department of Agriculture to propose and the Board to adopt rules to implement the LWMA.

On May 15, 1997, in docket R97-15(A), the Board adopted the rules of 35 Ill. Adm. Code 506 under this mandate for implementation by the Department of Agriculture. In adopting the new Part 506 rules, the Board noted that regulations specific to livestock waste management facilities already existed in 35 Ill. Adm. Code 501 through 504, and that any inconsistencies between the existing and new rules should be reconciled. Accordingly, the Board opened rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LWMA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

In response to those rules, the legislature amended the LWMA. In response to amendments in Public Act 90-565, effective January 2, 1998, the Board opened this docket R98-26 on January 22, 1998, to make any changes necessary based on the statutory amendments. The requested that the Department of Agriculture file a rulemaking proposal to incorporate any amendments made necessary in light of P.A. 90-565. Further, since the opening of docket R98-26, P.A. 91-110, effective July 13, 1999, further amended the LWMA, and any additional regulatory amendments made necessary by these later

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statutory amendments will be incorporated into the docket R98-26 proceeding. To date, no proposal has been filed by the Department of Agriculture with the Board; however, the Board anticipates the receipt of a proposal in December, 1999.

B) Statutory authority: Implementing and authorized by Section 55 of the Livestock Management Facilities Act [510 ILCS 77/55] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board presently anticipates that the Department of Agriculture will submit a proposal to the Board to commence this rulemaking proceeding. No firm date for submittal has been established, but submittal may occur in December of 1999, after which time the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or associated waste handling structures.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-26, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-26, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509.
csudman@pcb04rl.state.il.us

G) Related rulemakings and other pertinent information: Pending

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rulemaking R98-11 (see item (p) above) could impact the provisions of associated 35 Ill. Adm. Code 501 through 504. No other presently-known proceeding would affect 35 Ill. Adm. Code 506.

s) Parts (Headings and Code Citations):

Permits [35 Ill. Adm. Code 602]
Finished Water and Raw Water Quality and Quantity [35 Ill. Adm. Code 604]
Distribution System Standards [35 Ill. Adm. Code 605]

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would amend existing regulations and add a new body of integrated requirements to 35 Ill. Adm. Code: Subpart F to incorporate distribution system standards into the Illinois public water supply regulations. These requirements would include standards for minimum water main pressure, minimum required levels for chlorine and fluoride, and standards for other chemicals. In addition, the IEPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

B) Statutory authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that owns or operates a public water supply that is regulated under 35 Ill. Adm. Code: Subtitle F, i.e., the supply has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The rules would generally benefit the affected small business, small

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municipality, or not-for-profit corporation by clarifying the existing requirements applied by the IEPA to public water supply distribution systems.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084tr1.state.il.us

- G) Related rulemakings and other pertinent information: Other prospective proceedings (see items (t) and (u) below) and other, as yet unknown proceedings could affect the text of Part 602. No other presently-known proceeding would affect the text of Part 604. Other prospective proceedings (see items (u) and (v) below) and as yet unknown proceedings could affect the text of Part 605. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

- t) Parts (Headings and Code Citations):

Permits (35 Ill. Adm. Code 602)
Ownership and Responsible Personnel (35 Ill. Adm. Code 603)
System Capacity Standards (35 Ill. Adm. Code 606)

- 1) Rulemaking: No docket presently reserved.

- a) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board

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that would amend existing regulations and add a new body of integrated requirements to 35 Ill. Adm. Code: Subpart F to incorporate technical, financial, and managerial requirements for new public water supplies (PWS). These prospective actions would be intended to make changes and incorporate rule that are required by the 1996 amendments to the federal Safe Drinking Water Act (42 USC Sec. 300a-1 et seq.F2). P.A. 90-773, effective August 14, 1998, inter alia, amended Sections 15 and 18 of the Environmental Protection Act (415 ILCS 5/15 & 18) to require that a new PWS have the technical, financial, and managerial capacity to meet federal and State drinking water regulations. The amendments authorized the IEPA to adopt regulations to implement these federally-derived requirements.

- B) Statutory authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/15, 18 & 27).

- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that owns or operates a public water supply that is regulated under 35 Ill. Adm. Code: Subtitle F, i.e., the supply has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or the small business, a small municipality, or a not-for-profit corporation is assisting a public water supply to demonstrate compliance.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Other prospective proceedings (see items (s) above and (u) below) and other, as yet unknown proceedings could affect the text of Part 602. No presently-known proceeding would affect the text of Part 604. Another prospective proceeding (see item (u) below) and other, as yet unknown proceedings could affect the text of Part 606. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

u)

Parts (Headings and Code Citations):
Permits (35 Ill. Adm. Code 602)
Distribution System Standards (35 Ill. Adm. Code 605)
System Capacity Standards (35 Ill. Adm. Code 606)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.

B) Statutory authority: Implementing and authorized by Section 17 and Section 27 of the Environmental Protection Act [415 ILCS 5/17 & 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27

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and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that owns or operates a public water supply that is regulated under 35 Ill. Adm. Code: Subtitle F, i.e., the supply has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The rules would generally benefit the affected small business, small municipality, or not-for-profit corporation by clarifying the existing requirements applicable to system operation and permits. The rules impose some additional reporting requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Jorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Suite 11-500 Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

G) Related rulemaking and other pertinent information: Other prospective proceedings (see items (s) and (t) above) and other, as yet unknown proceedings could affect the text of Part 602. Other prospective proceedings (see items (s) above and (v) below) and other, as yet unknown proceedings could affect the text of Part 605. Another prospective proceeding (see item (t) above) and other, as yet unknown proceedings could affect the text of Part 606. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

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Lou Allyn Byus
Assistant Manager, Field Operations Services Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

- v) Part (Heading and Code Citation): Distribution System Standards (35 Ill. Adm. Code 605)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to add a new set of requirements to 35 Ill. Adm. Code Subpart F that would incorporate distribution system standards into the Illinois public water supply regulations. These new requirements would include standards for minimum water main pressure, minimum required levels for chlorine and fluoride, and standards for other chemicals. In addition, the IEPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

B) Statutory authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking would affect a small business, a small municipality, or a not-for-profit corporation that owns or operates a public water supply that is regulated under 35 Ill. Adm. Code Subtitle F. The rules would generally benefit the affected small business, small municipality, or not-for-profit

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corporation by clarifying the requirements for distribution systems.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

- C) Related rulemakings and other pertinent information: Another prospective IEPA rulemaking proposal (see items (s) and (u) above) and other, as yet unknown, rulemaking proposals could affect prospective Part 605. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency 1021
North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

- w) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R00-10

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SWMA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R00-10 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection

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Agency (USEPA) may make in the period July 1, 1999, through December 31, 1999. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 141 through 143. This action, together with a brief description, is as follows:

64 Fed. Reg. 67450
(December 1, 1999)

USEPA updated the rules setting forth the analytical methods approved for use in demonstrating compliance with the SDWA requirements.

The Board has not yet determined whether this listed federal action is the only federal action that affects the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois SDWA drinking water regulations using the identical-in-substance procedure or dismis docket R00-10, as unnecessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is December 1, 1999, the due date for Board adoption of all amendments in the period would be December 1, 2000.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act (415 ILCS 5/17, 17.5 & 27).

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be December 1, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by

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early-September 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-10, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6924
mmccambr@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Another prospective proceeding (see item (x) below) and other, as yet unknown proceedings could affect the text of Part 611. Section 17.5 of the Environmental Protection Act (415 ILCS 5/17.5) provides that title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

x) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

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1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a proposal for filing before the Board that would have the Board amend the public water supplies of 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments would cross-reference Part 186 at Sections 611.359, 611.611, 611.646, and 611.648. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, joint rules that the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety have repealed. Part 183 was.

B) Statutory authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by March 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that operates a public water supply that is regulated under 35 Ill. Adm. Code. Subtitle F, i.e., the supply has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The rules would generally benefit the affected small business, small municipality, or not-for-profit corporation by clarifying the existing requirements applied by the IEPA to public water supply distribution systems. However, the impact on these entities is anticipated to be minimal because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not significantly increase the burden of compliance over that of existing requirements.

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

G) Other pertinent information concerning these amendments: The prospective identical-in-substance update proceeding, R00-10 (see item (e) above) and other, as yet unknown proceedings could affect the text of Part 611. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Joey Logan-Wilkey, Assistant Counsel
Division of Legal Counsel
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

Y) Part (Heading and Code Citation): Regulated recharge Areas (35 Ill. Adm. Code 617)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would amend existing regulations to establish a regulated recharge area for the Pleasant Valley Public Water District. This new Subpart would prescribe the requirements and standards for the protection of the groundwater source used by the Pleasant Valley Public Water District. The standards would apply to certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area. The regulated recharge area boundaries would be delineated in the amendments.

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- B) Statutory authority: Implementing and authorized by Sections 17.4 and Section 27 of the Environmental Protection Act [415 ILCS 5/17.4 & 27].
- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by January 31, 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. In preparing the proposal, the IEPA held a public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. The IEPA further received public comments on the proposal. On June 7, 1996, the IEPA held a workshop on the proposal. The IEPA has not set dates for further meetings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by January 31, 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that owns or operates a potential source of groundwater contamination in the area of the regulated recharge area. The amendments could impose contingency planning requirements on an affected entity, and they may impose constraints on expansion of activities that are hazardous to the groundwater protected within the prospective regulated recharge area.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601
312-814-6229
kcrowley@pc0084r1.state.il.us

POLLUTION CONTROL BOARD

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- G) Related rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 617. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:
- Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653
- Z) Part (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 618)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new part would prescribe maximum setback zone prohibitions and the applicable technology control regulations. These would be the rules that apply to new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination, and new and existing activities under existing regulations at 35 Ill. Adm. Code 615 and 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the wells of the Illinois American Water Company, in Peoria, Peoria County. The prospective rules would delineate the boundaries of the setback zones.
- B) Statutory authority: Implementing and authorized by Sections 14.3 and Section 27 of the Environmental Protection Act [415 ILCS 5/14.3 & 27].
- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by May 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. In preparing the proposal, the IEPA met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Peoria City Council recognized the need for a maximum setback zone regulation. No new meetings between the IEPA and any persons are

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scheduled at this time.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by May 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that engage in certain activities in the affected area of the prospective maximum setback zone. The establishment of the maximum setback zone may affect these entities by imposing constraints on new activities proposed or commenced within the area of the maximum zone.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

G) Related rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 618. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

POLLUTION CONTROL BOARD

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aa) Part (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is considering preparing a rulemaking proposal for filing before the Board that would amend 35 Ill. Adm. Code 620.505 of the groundwater quality regulations in response to an interpretation of that Section by the appellate court in the case of *People v. Stonehedge*, 288 Ill. App. 3d 318, 680 N.E.2d 497 (May 22, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances where the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

B) Statutory authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8 and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking by May 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking by May 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect a small business, a small municipality, or a not-for-profit corporation that engages in any activity that requires a demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk

POLLUTION CONTROL BOARD

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Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb0841.state.il.us

- C) Related rulemaking and other pertinent information No other known proceeding would impact the provisions of Part 620. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

bb)

Parts (Headings and Code Citations):

RCRA and UTC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

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1) Rulemaking: Docket number R00-13

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ICS 5/22.4(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R00-13 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 1999, through December 31, 1999. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

64 Fed. Reg. 36466
(July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste. The Board adopted a designation for waste mercury-containing lamps on April 2, 1998, in R98-12. The Board will need to assure that these amendments are incorporated into the Illinois rules, and that the Illinois rules are consistent with the federal rules.

64 Fed. Reg. 52828
(September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules. The Board will need to assure that these amendments are incorporated into the Illinois rules.

64 Fed. Reg. 56469
(October 20, 1999)

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs). The Board adopted the original May 12, 1997 Phase IV LDR amendments on August 20, 1998, in consolidated updated docket R97-21/R98-3/R98-5. The Board adopted the May 11, 1998 technical amendments on June 17, 1999, in update docket R99-15. The Board will need to assure that these latest technical amendments are incorporated into the Illinois rules.

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- 64 Fed Reg. 63209
(November 19, 1999)
- USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors. The Board will need to assure that these amendments are incorporated into the Illinois rules.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2000. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 6, 1999, the due date for Board adoption of all amendments in the period would be July 6, 2000.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 6, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by Early-March 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-13, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-13, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mmccamb@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: The reserved UIC update docket R00-11 (see item (cc) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- cc) Parts (Headings and Code Citations):
RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

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1) Rulemaking: Presently reserved docket number R00-11

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R00-11 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 1999, through December 31, 1999. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 144 through 148. This action, together with a brief description, is as follows:

64 Fed. Reg. 68546
(December 7, 1999)
USEPA amended the UIC regulations pertaining to Class V injection wells. The amendments prohibit existing motor vehicle waste disposal wells in certain areas.

The Board has not determined the nature of any amendments that might be required by the above federal action. Only Class I and Class III injection wells are expressly regulated by the Board's current UIC rules; Class II and Class IV wells are expressly not regulated. The status of Class V wells is unclear under the rules. The Board must determine what amendments, if any, will be necessary in response to the federal amendments. Further, the Board has not yet determined whether this listed federal action is the only federal action that affects the text of 40 CFR 144 through 148. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R00-11, as unnecessary and appropriate.

Section 13(c) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is December 7, 1999, the due date for Board adoption of all amendments in the period would be December 7, 2000.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be December 7, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-September 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-11, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601
312-814-6924
mmccambr@pcb084rl.state.il.us

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R00-13 (see item (bb) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738. Section 13(c) of the

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Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ad) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R00-14

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R00-14 to accommodate any amendments to the 40 CFR 281 through 283 that USEPA may make in the period July 1, 1999, through December 31, 1999. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R00-6, as unnecessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 1999, the due date for Board adoption would be July 1, 2000.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time.

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The Board will vote to propose any amendments at an open meeting. No hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 1999, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-April 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates USTs.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-14, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-14, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mmccambr@pcb084r1.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731. Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not

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apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- ee) Part (Heading and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: No docket presently reserved.

a) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal for filling before the Board that would amend the leaking underground storage tank (LUST) regulations. Implementation of the LUST rules by the IEPA since their inception has demonstrated the need to amend, correct, and clarify various aspects of the rules. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), the Site Remediation Program (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The Illinois IEPA also may propose related amendments to the Site Remediation Program and TACO regulations (items (ff) and (gg) below).

b) Statutory authority: Implementing and authorized by Sections 27 and 57.14 of the Environmental Protection Act [415 ILCS 5/27 & 57.14].

c) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in May 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

d) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board to commence this proceeding, and the IEPA has stated that it expects to file a proposal in May 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

e) Affect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a petroleum underground storage tank system for which a release

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has been confirmed that is required to be reported to the Illinois Emergency Management Agency on or after September 23, 1994, in accordance with regulations adopted by the Office of the State Fire Marshall.

- f) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

- g) Related rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Part 732. The IEPA has stated that it may propose related amendments to the TACO rules (35 Ill. Adm. Code 740) and the Site Remediation Program rules (35 Ill. Adm. Code 740) (see items (ff) and (gg) below). For information regarding the development of these amendments please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- ff) Part (Heading and Code Citation): Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking:

a) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal for filing before the Board that would amend the site remediation program (SAP) regulations. The IEPA says that since the inception of the Part 740 rules on June 5, 1997, the IEPA's implementation of the rules has demonstrated the need for additions, corrections, and

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clarifications to the existing rules. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), the SRP (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The Illinois EPA also may propose related amendments to the TACO and LUST regulations (items (ee) above and (gg) below).

B) Statutory authority: Implementing and authorized by Sections 4 (i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27 & 28].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal as soon as February 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal as soon as February 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that performs environmental remediation under the SRP. In most cases, participation in the SRP is voluntary, the exception being enforcement actions. For those who do choose to participate, the proposed amendments are not expected to make substantial changes to the existing program. A small business, municipality, or not-for-profit corporation that performs analyses of soil and water samples to demonstrate compliance with the rules would also be affected. The amendments would phase in a requirement that laboratories performing analyses for sites in the SRP must be accredited under 35 Ill. Adm. Code 186.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JANUARY 2000 REGULATORY AGENDA

Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

G) Related rulemaking and other pertinent information: No other presently-known rulemaking would affect the text of Part 740. The Illinois EPA also may propose related amendments to the LUST rules (35 Ill. Adm. Code 732) (see item (ee) above) and TACO rules (35 Ill. Adm. Code 742) (see item (gg) below). For information regarding the development of these amendments please contact:

Mark Wight
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

ff) Part (Heading and Code Citation): Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal for filing before the Board that would amend the site remediation program (SRP) regulations. The IEPA says that since the inception of the Part 740 rules on June 5, 1997, the IEPA's implementation of the rules has demonstrated the need for additions, corrections, and clarifications to the existing rules. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), the SRP (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The Illinois EPA also may propose related amendments to the TACO and LUST regulations (items (ee) above and (gg) below).

B) Statutory authority: Implementing and authorized by Sections 4 (i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27 & 28].

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C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal as soon as February 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal as soon as February 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that performs environmental remediation under the SRP. In most cases, participation in the SRP is voluntary, the exception being enforcement actions. For those who do choose to participate, the proposed amendments are not expected to make substantial changes to the existing program. A small business, municipality, or not-for-profit corporation that performs analyses of soil and water samples to demonstrate compliance with the rules would also be affected. The amendments would phase in a requirement that laboratories performing analyses for sites in the SRP must be accredited under 35 Ill. Adm. Code 186.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen W. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084rl.state.il.us

G) Related rulemaking and other pertinent information: No other presently-known rulemaking would affect the text of Part 740. The

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Illinois EPA also may propose related amendments to the LUST rules (35 Ill. Adm. Code 732) (see item (ee) above) and TACO rules (35 Ill. Adm. Code 742) (see item (gg) below). For information regarding the development of these amendments please contact:

Mark Wright
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

gg) Part (Heading and Code Citation): Tiered Approach To Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal for filing before the Board that would amend the Tiered Approach to Corrective Action Objectives (TACO) rules. Since the Board adopted the TACO rules on June 5, 1997, the IEPA's implementation of the rules has demonstrated the need for some amendments, corrections, and clarifications to existing rules to insure consistency across the programs. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), the Site Remediation Program (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The Illinois EPA also may propose related amendments to the Site Remediation Program and LUST regulations (items (ee) and (ff) above).

B) Statutory authority: Implementing and authorized by Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 5/57.14 & 58.5].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in May 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in February 2000.

POLLUTION CONTROL BOARD

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After the filing of a proposal by the TEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a site participating in corrective action or which participates in corrective action under the TACO rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929

- G) Related rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Part 742. The EPA has stated that it may propose related amendments to the LUST rules (35 Ill. Adm. Code 732) and the Site Remediation Program rules (35 Ill. Adm. Code 740) (see items (ee) and (ff) above). For information regarding the development of these amendments please contact:

Kimberly A. Geving
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- hh) Parts (Headings and Code Citations):
Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards For New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information To Be Submitted In A Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements For Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards For Existing Landfills And Units (35 Ill. Adm. Code 814)

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Procedural Requirements For All Landfills Exempt From Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R00-12

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R00-12 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 1999, through December 31, 1999. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF rules using the identical-in-substance procedure or dismiss docket R00-12, as unnecessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R00-12, if the earliest federal amendments in the applicable period is assumed to have occurred on July 1, 1999, the nominal due date would be July 1, 2000.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2000, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2000, the Board will vote to propose amendments and cause a Notice

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of Proposed Amendments to appear in the *Illinois Register* by late-March 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-12, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-12, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mmccambr@cpcb0841.state.il.us

G) Related rulemakings and other pertinent information: An as-yet-unfiled IEPA proposal described in item (ii) below, and other, as yet unknown, unrelated Board proceedings may affect the text of Part 807. No other presently-known proceedings would affect the text of Parts 810, 811, 812, 813, 814, or 815. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ii) Part (Heading and Code Citation): Solid Waste (35 Ill. Adm. Code 807)

1) Rulemaking: No docket presently reserved.

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A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal relating to solid waste management facility financial assurance for filing before the Board. The proposal would revise the requirements relating to letters of credit in order to ensure that financial assurance is not terminated or interrupted.

B) Statutory authority: Implementing and authorized by Sections 21-1, 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/21-1, 22, 27 & 28].

C) Scheduled meeting/hearing dates: The IEPA has stated that it presently anticipates submitting its rulemaking proposal in May 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal to the Board in May 2000. After receipt of the proposal, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that uses a letter of credit to fulfill financial assistance obligations. It is anticipated that the changes contemplated would not have a significant effect on affected entities. The amendments and corrections that would be considered would merely prevent a lapse of financial assurance, and they would not significantly change the existing requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JANUARY 2000 REGULATORY AGENDA

312-814-6929

krcowley@pcb084rl.state.il.us

- G) Related rulemaking and other pertinent information: The reserved identical-in-substance municipal solid waste landfill update docket R00-12 (see item (h) above) and other as yet unknown proceedings could affect the text of Part 807. For information regarding the IEPA's development of its rulemaking proposal, please contact the following person at the IEPA:

Judith S. Dyer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- jj) Part (Heading and Code Citation): Special Waste Hauling (35 Ill. Adm. Code 809)

- 1) Rulemaking: No docket number presently reserved.

- A) Description: On December 16, 1999, the Board dismissed docket R99-18. In that docket, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal seeking amendments relating to permitting certain used oil management facilities and used oil transporters. Despite the dismissal of docket R99-18, the Board determined that certain IEPA-suggested technical changes to Part 809 should be addressed in a subsequent rulemaking. Those changes are the following:

1. The IEPA-proposed change in the Section 809.103 definition of "on-site." The IEPA noted that the Illinois definition of "on-site," for purposes of transport of hazardous waste, has not been consistent with the federal definition since 1998. The proposed change would make the state and federal definitions identical.
2. A Joint Committee on Administrative Rules (JCAR)-suggested technical amendments to various provisions in Part 809 to correct typographical errors. JCAR submitted these suggested amendments at the close of the rulemaking in docket R98-29. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29. The Board had planned to include these changes docket R99-18 but could not because the Board dismissed that docket instead. The JCAR-suggested changes are nonsubstantive.

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- B) Statutory authority: Implementing and authorized by Sections 5, 22, 22.01, 27, and 39 of the Environmental Protection Act [415 ILCS 5/5, 22, 22.01, 27 & 39].

- C) Scheduled meeting/hearing dates: None are scheduled at this time. The Board will conduct at least two public hearings in affected areas of the state, as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board anticipates that adoption of a First Notice opinion and order will occur after the public hearings on the proposal. When the Board adopts the First Notice opinion and order in this matter, it will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities, or not-for-profit corporations: This rule would affect small businesses, small municipalities, and not-for-profit corporations to the extent that these entities ship or transport hazardous or nonhazardous special waste. It is anticipated that the changes contemplated would not have a significant effect on affected entities. Altering the definition of "on-site" to be identical with that used for the purposes of hazardous waste management would actually reduce the burden of complying with the existing regulations by exempting transportation along a public right-of-way between contiguous properties. The JCAR-suggested changes would not substantively change the existing requirements.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Joel Sternstein, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-3665
jsternst@pcb084rl.state.il.us

- G) Related rulemaking and other pertinent information: No other presently-known proceedings would affect the text of Part 809.

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kk) Part (Heading and Code Citation): Management Of Used And Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that since the Board adopted the used and waste management rules on May 10, 1991, the implementation of the rules has demonstrated the need for amendments and corrections to enhance implementation of the used and waste tire management program. The IEPA is preparing a rulemaking proposal for filling before the Board that would seek the Board to make the necessary amendments and corrections to the rules.

B) Statutory authority: Implementing and authorized by Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 & 55.2].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its proposal for rulemaking in May 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking in May 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that manages used and waste tires. It is anticipated that the changes contemplated would not have a significant effect on affected entities. The amendments and corrections that would be considered would not substantively change the existing requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

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Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

G) Related rulemaking and other pertinent information: No other presently-known proceedings would potentially impact the existing text of Part 848. For information regarding the IEPA's development of its rulemaking proposal, please contact the following person at the IEPA:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

11) Parts (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 1420)
Activity Standards (35 Ill. Adm. Code 1421)
Design and Operation and Facilities (35 Ill. Adm. Code 1422)

1) Rulemaking: No docket presently reserved.

A) Description: 35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are rules that govern the management of potentially infectious medical waste (PIWM). Through administration of these rules, the Illinois Environmental Protection Agency (IEPA) has identified a need for the disposal of household medical waste, including sharps, generated from home health care outside of the municipal waste stream. One approach under consideration is to exempt doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities from the transfer station permit requirement. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification, but the full scope of the amendments and the precise identities of the parts and sections to be affected is not clear at this time.

B) Statutory authority: Implementing and authorized by Sections 27 and 56.2(f) of the Environmental Protection Act [415 ILCS 5/27 & 56.2(f)].

C) Scheduled meeting/hearing dates: The IEPA has stated that it

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anticipates submitting its proposal for rulemaking in May 2000. After the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The IEPA has stated that it anticipates submitting its proposal for rulemaking in May 2000. After receipt of the proposal, the Board may cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that manages or disposes of PIMW. The IEPA has stated that it anticipated that the changes contemplated would not have a significant effect on affected entities. Exempting medical providers that accept household-generated waste for transfer to disposal facilities from the permit requirement for transfer stations would likely ease the burden of compliance for the affected facilities. This would also assist the affected providers in their performance of an important community service by reducing the associated regulatory burden when they accept PIMW for appropriate disposal and thereby remove it from the household waste stream. The clarifications that would be considered would not substantively change the existing requirements.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
kcrowley@pcb084r1.state.il.us

- G) Related rulemaking and other pertinent information: No other presently-known proceeding would potentially impact the existing text of Part 1420, 1421, or 1422. For information regarding the IEPA's development of its rulemaking proposal, please contact the

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following person at the IEPA:

M. Kyle Rominger
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

DEPARTMENT OF PROFESSIONAL REGULATION

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- a) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill. Adm. Code 1140)

1) Rulemaking:

- A) Description: Continuing education rules and other sections that may need to be revised due to the newness of regulation of this profession.
- B) Statutory Authority: [225 ILCS 2]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed acupuncturists will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

- A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of PA 91-133, the sunset reauthorization of the Act.

- B) Statutory Authority: [225 ILCS 305]

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

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- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

- A) Description: Professional conduct standards and a clarification of the experience and education requirements and any other changes as may be needed as a result of PA 91-132, the sunset reauthorization of the Act.

- B) Statutory Authority: [225 ILCS 330]

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed land surveyors and those seeking licensure.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATION

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d) Part(s) (Heading and Code Citation): Mail Order Contact Lens Act (New Part)

1) Rulemaking:

A) Description: A new Part will be written to implement this Act. The Department is required to promulgate rules requiring the registration and certification of mail order ophthalmic providers dispensing to Illinois residents, including a schedule of fees for the administration and enforcement of the Act. When the rules are adopted, the Department can start accepting applications.

B) Statutory Authority: [225 ILCS number to be determined]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Mail-order ophthalmic providers located outside of Illinois will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)

1) Rulemaking:

A) Description: In accordance with PA 90-699, the medical rules will be amended to allow the Department to subpoena records in mandatory reporting cases involving death or permanent bodily injury.

B) Statutory Authority: [225 ILCS 425]

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C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: February 2000

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Naprapathic Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

A) Description: Continuing education rules and other sections that may need to be revised due to the newness of regulation of this profession.

B) Statutory Authority: [225 ILCS 25]

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed naprapaths will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

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- g) Part(s) (Heading and Code Citation): Nursing and Advanced Practice Nursing Act (68 Ill. Adm. Code 1300)

1) Rulemaking:

A) Description: The Nursing Rules will be updated to provide for fingerprinting of applicants as required by PA 91-369. In addition, rules will be promulgated to implement the licensure of advanced practice nurses.

B) Statutory Authority: [225 ILCS 65]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed practical nurses and registered nurses will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Professional Engineering Practice Act (68 Ill. Adm. Code 1380)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of PA 91-92, the sunset reauthorization of the Act.

B) Statutory Authority: [225 ILCS 325]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

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- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

- i) Part(s) (Heading and Code Citation): Structural Engineering Licensing Act of 1989 (68 Ill. Adm. Code 1480)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of PA 91-91, the sunset reauthorization of the Act.

B) Statutory Authority: [225 ILCS 340]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

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G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

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a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking

- A) Description: There are no proposed rules anticipated by the Property Tax Appeal Board.
- B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195.
- C) Scheduled meeting/hearing date: No hearings scheduled or anticipated.
- D) Date agency anticipates First Notice: None
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Name: James W. Chipman
Executive Director
Address: Property Tax Appeal Board
Rm. 402, Stratton Office Bldg.
401 S. Spring St.
Springfield, IL 62706
Telephone: (217) 782-6076

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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- 1) Part(s) (Heading and Code Citation): Plumbers Licensing Code, 68 Ill. Adm. Code 750.

1) Rulemaking:

- A) Description: Comprehensive organizational and administration changes of the Code as recodified.
- B) Statutory Authority: Illinois Plumbing License Law, 225 ILCS 320.
- C) Scheduled meeting/hearing dates: Review board meeting December 1998. The Department will schedule other meetings if requested or needed during first-notice period.
- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking affects licensing requirements.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: Related rulemaking implements provisions of P.A. 91-0184 concerning Department issuance of orders of correction to telecommunications carriers for advertisements of plumbing services in violation of the Illinois Plumbing License Law.

- b) Part(s) (Heading and Code Citation): Plumbers Licensing Code, 68 Ill. Adm. Code 750.

1) Rulemaking:

- A) Description: Implements provisions of P.A. 91-0184 concerning Department issuance of orders of correction to telecommunications carriers for advertisements of plumbing services in violation of the Illinois Plumbing License Law.

- B) Statutory Authority: Public Utilities Act, 220 ILCS 5. Illinois Plumbing License Law, 225 ILCS 320.

- C) Scheduled meeting/hearing dates: Review board meeting March 2000.

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- The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: April 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking affects the advertising of entities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: Related rulemaking makes comprehensive organizational and administration changes to the Code as recodified.

- c) Part(s) (Heading and Code Citation): Safe and Hygienic Bed Code, new Part.

1) Rulemaking:

- A) Description: Implements the provisions of P.A. 91-0164 for registration, fees, labeling, sanitation, and administration of the amendatory Act.

- B) Statutory Authority: P.A. 91-0164.

- C) Scheduled meeting/hearing dates: State Board of Health, March 2000. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: April 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking regulates bedding-affiliated entities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other

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related rulemakings or other pertinent information is available at this time.

- d) Part(s) (Heading and Code Citation): Prostate Cancer Screening Program, new part.

1) Rulemaking:

- A) Description: Implements the provisions of P.A. 91-0109 mandating the establishment of a prostate cancer screening program subject to appropriation.
- B) Statutory Authority: Civil Administrative Code of Illinois, 20 ILCS 2310/55-90.
- C) Scheduled meeting/hearing dates: State Board of Health, March 2000. The Department will schedule other meetings if requested or needed during first-notice period.
- D) Date Agency anticipates First Notice: April 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may not have an impact on small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- e) Part(s) (Heading and Code Citation): Postsurgical Recovery Care Center Demonstration Program, 77 Ill. Adm. Code 210, Illinois Home Health Agency Code, 77 Ill. Adm. Code 245, Hospital Licensing Requirements, 77 Ill. Adm. Code 250, Children's Respite Care Demonstration Program Code, 77 Ill. Adm. Code 260, Subacute Care Hospital Demonstration Program Code, 77 Ill. Adm. Code 270, Skilled Nursing and Intermediate Care Facilities Code, 77 Ill. Adm. Code 300, Sheltered Care Facilities Code, 77 Ill. Adm. Code 330, Illinois Veterans' Home Code, 77 Ill. Adm. Code 340, Intermediate Care for the Developmentally Disabled Facilities Code, 77 Ill. Adm. Code 350, Community Living Facilities Code, 77 Ill. Adm. Code 370. Long-Term Care for Under Age 22 Facilities Code, 77 Ill. Adm. Code

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390. Freestanding Emergency Center Demonstration Program Code, 77 Ill. Adm. Code 518.

1) Rulemaking:

- A) Description: The rules will be amended to include requirements for health care worker background checks under P.A. 91-0598. This legislation amended the Health Care Worker Background Check Act to include in the definition of "health care employer" locations licensed under the Alternative Health Care Delivery Act and the Emergency Medical Services Act. The definition of "direct care" will be amended to mean "the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs". The rules will also prescribe guidelines for interpreting this definition with regard to home health agencies. Provisions concerning the hiring of persons who have criminal convictions in other states will be added. The health care employer's responsibility to provide the employee with a copy of the background check will be clarified. The prohibition against employing an individual who is in the process of applying for a waiver will also be clarified.

- B) Statutory Authority: Alternative Health Care Delivery Act, 210 ILCS 3. Nursing Home Care Act, 210 ILCS 45. Home Health Agency Licensing Act, 210 ILCS 55. Hospital Licensing Act, 210, ILCS 85. Health Care Worker Background Check Act, 225 ILCS 46.

- C) Scheduled meeting/hearing dates: Home Health Agency Advisory Committee, October 1999. Long-Term Care Facility Advisory Board, November 1999. State Board of Health, December 1999. State Emergency Medical Services Council, December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date Agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

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- G) Related rulemakings and other pertinent information: Rulemakings implementing P.A. 91-0215 that amended the Nursing Home Care Act may be included with these changes.

- F) Part(s) (Heading and Code Citation): Hospital Licensing Requirements, 77 Ill. Adm. Code 250.

1) Rulemaking:

- A) Description: The amendments will implement P.A. 91-0163 that amends the Hospital Licensing Act to require the Department to establish standards relating to domestic violence. The amendments will take into consideration similar standards adopted by the Joint Commission on Accreditation of Healthcare Organizations or other accrediting organizations.

- B) Statutory Authority: Hospital Licensing Act, 210 ILCS 85.

- C) Scheduled meeting/hearing dates: A proposal for rulemaking will be presented to the Hospital Licensing Board for the Board's approval at its February 9, 2000, meeting. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: March 2000.

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.

- F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- 9) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code, 77 Ill. Adm. Code 300. Sheltered Care Facilities Code, 77 Ill. Adm. Code 330. Illinois Veterans' Home Code, 77 Ill. Adm. Code 340. Intermediate Care for the Developmentally Disabled Facilities Code, 77 Ill. Adm. Code 350. Long-Term Care for Under Age 22 Facilities Code, 77 Ill. Adm. Code 390.

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1) Rulemaking:

- A) Description: The rules will be amended to revise information concerning licensure renewal under P.A. 91-0215 that amended Section 3-115 of the Nursing Home Care Act, 210 ILCS 45, to include a reference to renewal of a license "in accordance with Section 3-110" of the Act.

- B) Statutory Authority: Nursing Home Care Act, 210 ILCS 45.

- C) Scheduled meeting/hearing dates: The Department presented this amendment to the Long-term Care Facility Advisory Board at its November meeting. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.

- F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: Rulemakings implementing P.A. 91-0598 that amended the Health Care Worker Background Check Act may be included with these changes.

- h) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code, 77 Ill. Adm. Code 300. Illinois Veterans' Home Code, 77 Ill. Adm. Code 340. Intermediate Care for the Developmentally Disabled Facilities Code, 77 Ill. Adm. Code 350. Long-Term Care for Under Age 22 Facilities Code, 77 Ill. Adm. Code 390.

1) Rulemaking:

- A) Description: The rules will be amended to implement P.A. 91-0461 that amends the Nursing Home Care Act to provide for a "resident attendant" to assist residents in the facility with eating, drinking, and personal hygiene. Resident attendants must complete a training and competency evaluation program and be determined to be competent to provide feeding, hydration, and personal hygiene services. Training programs will be required to

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be reviewed and approved by the Department every 2 years.

- B) Statutory Authority: Nursing Home Care Act, 210 ILCS 45.
- C) Scheduled meeting/hearing dates: The draft amendments will be presented to the Long-Term Care Facility Advisory Board at its February 2000 meeting. The Department will schedule other meetings if requested or needed during first-notice period.
- D) Date agency anticipates First Notice: March 2000.
- E) Agency contact person for information: Name: Paul Thompson
Address: Division of Legal Services 535 W. Jefferson, 5th Floor
Springfield, Illinois 62761 Telephone: 217/782-2043
- F) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.
- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- i) Part(s) (Heading and Code Citation): Intermediate Care for the Developmentally Disabled Facilities Code, 77 Ill. Am. Code 350.

1) Rulemaking:

- A) Description: The provisions governing facilities of 16 or fewer beds will be amended to implement P.A. 91-630. This Act amended the Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705, to require the Department of Human Services to develop a training program for authorized direct care staff to administer oral and topical medications under the supervision and monitoring of a registered professional nurse in intermediate care facilities for the developmentally disabled of 16 or fewer beds licensed by the Department of Public Health and settings of 16 or fewer beds that are funded or licensed by the Department of Human Services. After the rules governing the training program are adopted by the Department of Human Services, the Department of Public Health will amend Part 350 to reference the DHS rules.

- B) Statutory Authority: Nursing Home Care Act, 210 ILCS 45, and the Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705.

- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory

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Board's February 2000 meeting. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: February 2000.
- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.
- F) Agency contact person for information:
Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043
- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- j) Part(s) (Heading and Code Citation): Visa Waiver Program for International Medical Graduates, 77 Ill. Am. Code 591.

1) Rulemaking:

- A) Description: Proposed rulemaking clarifies that under federal law visa waivers be granted only to medical facilities in a rural or urban area with health professional shortages. Makes the definition of "full time practice" consistent with the federal Immigration and Nationality Act, 8 USC 1182, and adds a definition of "urban".

- B) Statutory Authority: Immigration and Nationality Act, 8 USC 1182/1184.

- C) Scheduled meeting/hearing dates: State Board of Health meeting December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small business, small municipalities, or not-for-profit corporations: The rulemaking may affect applications of small businesses, not-for-profit corporations, or small municipalities.

- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2000 REGULATORY AGENDA

Name: Paul Thompson

Address: Division of Legal Services

535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

k) Part(s) (Heading and Code Citation): Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.

1) Rulemaking:

- A) Description: Adds designation of Class II facility with extended capabilities. Provide for resource, facility, and dispute resolution requirements. Changes appendices to reflect updated records reporting and instructions. Changes the provisions of the High-Risk Follow-up Program.

B) Statutory Authority: Developmental Disability Prevention Act, 410 ILCS 250.

- C) Scheduled meeting/hearing dates: State Board of Health Meeting December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

D) Date agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on the operation of facilities by small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson

Address: Division of Legal Services

535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

l) Part(s) (Heading and Code Citation): Child Health Examination Code: 77 Ill. Adm. Code 665.

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1) Rulemaking:

- A) Description: Proposed changes in the immunization rules include: 1) modifying the minimum intervals between doses of the polio vaccine series; 2) specifying a four-month minimum interval between the first and third doses of the hepatitis B vaccine series; 3) clarifying that the one-month interval between dose one and dose two of the measles vaccine be defined as equal to or greater than 28 days; and 4) revising the language of the diphtheria, tetanus, pertussis, and polio vaccines to reflect current terminology regarding the various vaccines available. Changes in the minimum intervals between doses of measles, hepatitis B, and polio vaccines are necessary to be consistent with the current recommendations of the Advisory Committee on Immunization Practices (ACIP).

B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315].

- C) Scheduled meeting/hearing dates: Amendments will be reviewed by the State Board of Health and the Immunization Advisory Committee in the first quarter of 2000. The State Board of Health will schedule public hearings on the draft amendments, as required by Section 2 of the Communicable Disease Prevention Act, 410 ILCS 315/2.

D) Date agency anticipates First Notice: Proposed changes in the immunization rules will not be filed until the revisions are reviewed and approved by the State Board of Health and the Immunization Advisory Committee.

- E) Effect on small businesses, small municipalities, and not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on schools and school districts.

F) Agency contact person for information:

Name: Paul Thompson

Address: Division of Legal Services

535 West Jefferson, Fifth Floor

Springfield, Illinois 62761

Telephone: (217)782-2043.

- G) Related rulemakings and other pertinent information: These changes to the immunization requirements for children also affect the Immunization Code (77 Ill. Adm. Code 695).

m) Part(s) (Heading and Code Citation): Control of Communicable Diseases

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Code, 77 Ill. Adm. Code 690.

1) Rulemaking:

- A) Description: Changes time frames that health care providers must report suspected or diagnosed cases of communicable diseases to the Department. Divides the disease reporting time frames based on type into the following: immediately (within 3 hours), within 24 hours, and within 7 days, to provide consistency in the reporting requirements. Adds items to the reportable diseases list.

- B) Statutory Authority: Communicable Disease Report Act, 745 ILCS 45.

- C) Scheduled meeting/hearing dates: 1999 draft rules commented on by affected parties. State Board of Health, December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on reporting requirements of small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- n) Part(s) (Heading and Code Citation): Control of Sexually Transmissible Diseases Code, 77 Ill. Adm. Code 693.

1) Rulemaking:

- A) Description: Adds chancroid to the list of sexually transmissible diseases that must be reported to local health authorities or the Department within 7 days after diagnosis or treatment. Moves ophthalmia neonatorum to this Part from the Control of Communicable Diseases Code in Part 690.

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- B) Statutory Authority: Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325.

- C) Scheduled meeting/hearing dates: State Board of Health, December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on the reporting requirements of small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- o) Part(s) (Heading and Code Citation): Control of Sexually Transmissible Diseases Code, 77 Ill. Adm. Code 693.

1) Rulemaking:

- A) Description: Rulemaking revises definitions of AIDS and HIV infection according to current revisions undertaken by the federal center for Disease Control.

- B) Statutory Authority: Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325.

- C) Scheduled meeting/hearing dates: State Board of Health, 2000. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: Date is dependent on publication of revised definitions by the Center for Disease Control.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on the reporting requirements of small businesses, not-for-profit

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corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

G) Related rulemakings and other pertinent information: Related rulemaking adds chancroid to the list of sexually transmissible diseases that must be reported to local health authorities or the Department within 7 days after diagnosis or treatment. Moves ophthalmia neonatorum to this Part from the Control of Communicable Diseases Code in Part 690.

P) Part(s) (Heading and Code Citation): College Immunization Code, 77 Ill. Adm. Code 694.

1) Rulemaking:

A) Description: Proposed changes in the immunization rules include: 1) changing the minimum interval between dose one and dose two of measles vaccine from the current 30 days to equal to or greater than 28 days; and 2) revising the language of the religious exemption to be consistent with the religious objection statement as stated in the immunization rules for children attending school. The change in the minimum interval between doses of measles vaccine is necessary to be consistent with the current recommendations of the Advisory Committee on Immunization Practices (ACIP).

B) Statutory Authority: College Student Immunization Act (110 ILCS 20/71).

C) Scheduled meeting/hearing dates: Amendments will be reviewed by the State Board of Health and the Immunization Advisory Committee in the first quarter of 2000. The State Board of Health will schedule public hearings on the draft amendments, as required by Section 2 of the Communicable Disease Prevention Act, 410 ILCS 315/2.

D) Date Agency anticipates First Notice: Proposed changes in the immunization rules will not be filed until the revisions are reviewed and approved by the State Board of Health and the Immunization Advisory Committee.

E) Effect on small businesses, small municipalities, and

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not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on higher-education entities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: (217)782-2043

G) Related rulemakings and other pertinent information: These changes to the immunization requirements also affect the Immunization Code, 77 Ill. Adm. Code 695.

Q) Part(s) (Heading and Code Citation): Immunization Code, 77 Ill. Adm. Code 695.

1) Rulemaking:

A) Description: Proposed changes in the immunization rules include: 1) modifying the minimum intervals between doses of the polio vaccine series; 2) specifying a four-month minimum interval between the first and third doses of the hepatitis B vaccine series; 3) clarifying that the one month interval between dose one and dose two of the measles vaccine be defined as equal to or greater than 28 days; and 4) revising the language of the diphtheria, tetanus, pertussis, and polio vaccines to reflect current terminology regarding the various vaccines available. Changes in the minimum intervals between doses of measles, hepatitis B, and polio vaccines are necessary to be consistent with the current recommendations of the Advisory Committee on Immunization Practices (ACIP).

B) Statutory Authority: Communicable Disease Prevention Act (410 ILCS 315). Section 27-8.1 of the School Code (105 ILCS 5/27-8.1). Child Care Act of 1969 [225 ILCS 10].

C) Scheduled meeting/hearing dates: Amendments will be reviewed by the State Board of Health and the Immunization Advisory Committee in the first quarter of 2000. The State Board of Health will schedule public hearings on the draft amendments, as required by Section 2 of the Communicable Disease Prevention Act, 410 ILCS 315/2.

D) Date Agency anticipates First Notice: Proposed changes to the immunization rules will not be filed until the revisions are reviewed and approved by the State Board of Health and the Immunization Advisory Committee.

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- E) Effect on small businesses, small municipalities, and not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on child care facilities, schools, and school districts.

F) Agency contact person for information:

Name: Paul Thompson

Address: Division of Legal Services

535 West Jefferson, Fifth Floor

Springfield, Illinois 62761

Telephone: (217)782-2043

- G) Related rulemakings and other pertinent information: These changes to the immunization requirements for children also affect the Child Health Examination Code, 77 Ill. Adm. Code 665.

- r) Part(s) (Heading and Code Citation): AIDS Confidentiality and Testing Code, 77 Ill. Adm Code 697.

1) Rulemaking:

- A) Description: The current prohibition in Section 697.100 on release of preliminary (not confirmed with a confirmatory test) will be revised to permit disclosure of preliminary results under certain, specified circumstances. This will permit the use of new technology to implement appropriate interventions to prevent transmission of HIV.

- B) Statutory Authority: AIDS Confidentiality Act (410 ILCS 305).

- C) Scheduled meeting/hearing dates: The draft amendments will be sent to laboratories, hospitals, interest groups, and local health departments prior to proposal. Public hearings will be scheduled if requested or deemed necessary by the Department.

- D) Date Agency anticipates First Notice: June 2000.

- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The rulemaking will have a minimal impact on these entities.

F) Agency contact person for information:

Name: Paul Thompson

Address: Division of Legal Services

535 West Jefferson, Fifth Floor

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- G) Related rulemakings and other pertinent information: No other related rulemakings or pertinent information is available at this time.

- s) Part(s) (Heading and Code Citation): Food Service Sanitation Code, 77 Ill. Adm. Code 750.

1) Rulemaking:

- A) Description: Part 750 will be reorganized so that specific rules will be easier to locate, and amended for consistency with the federal Food and Drug Administration's model food code. Part 750 and Part 760 (Retail Food Store Sanitation Code), which are nearly identical in content, will be consolidated into a single set of rules, to reduce redundancies. Amendments will clarify sanitation requirements for the inspection of food service establishments.

- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act (410 ILCS 620). Food Handling Regulation Enforcement Act (410 ILCS 625). Sanitary Food Preparation Act (410 ILCS 650).

- C) Scheduled meeting/hearing dates: A retail food code task force, convened by the Department, consisting of representatives of industry, public health departments, academia, and the general public will review a draft of the rules prior to proposal. Public hearing will be scheduled during the first notice period.

- D) Date Agency anticipates First Notice: June 2000.

- E) Effect on small businesses, small municipalities, and not-for-profit corporations: It is not anticipated that these rules will have an impact on food service operations of small businesses, small municipalities, or not-for-profit corporations.

- F) Agency contact person for information:

Name: Paul Thompson

Address: Division of Legal Services

535 West Jefferson, Fifth Floor

Springfield, Illinois 62761

Telephone: (217)782-2043

- G) Related rulemakings and other pertinent information: Coordinated consolidation with the Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760.

- t) Part(s) (Heading and Code Citation): Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760.

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1) Rulemaking:

- A) Description: Part 760 and Part 750 (Food Service Sanitation Code), which are nearly identical in content, will be consolidated into a single set of rules, to reduce redundancies and make it easier to locate specific rules.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]. Food Handling Regulation Enforcement Act [410 ILCS 625]. Sanitary Food Preparation Act [410 ILCS 650].
- C) Scheduled meeting/hearing dates: A retail food code task force, convened by the Department, consisting of representatives of industry, public health departments, academia, and the general public will review a draft of the rules prior to proposal. Public hearing will be scheduled during the first notice period.
- D) Date Agency anticipates First Notice: June 2000.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: It is not anticipated that these rules will have an impact on small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: (217)782-2043

- G) Related rulemakings and other pertinent information: Coordinated consolidation with the Food Service Sanitation Code, 77 Ill. Adm. Code 750.

- u) Part(s) (Heading and Code Citation): Tanning Facilities Code, 77 Ill. Adm. Code 785.

1) Rulemaking:

- A) Description: Revisions will be proposed to clarify Sections of the rules concerning record keeping, facility owner/operator requirements, sanitation, enforcement, and penalties for violations of the rules.
- B) Statutory Authority: Tanning Facility Permit Act (210 ILCS 145).
- C) Scheduled meeting/hearing dates: Copies of the draft proposed

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rules will be sent to all permitted facilities, national trade organizations, and local health departments.

- D) Date Agency anticipates First Notice: Following review by the State Board of Health in March 2000.

- E) Effect on small businesses, small municipalities, and not-for-profit corporations: Tanning facilities' operating procedures will be affected as well as inspection procedures conducted by local health department personnel acting as agents of the State.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: (217)782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or pertinent information is available at this time.

- v) Part(s) (Heading and Code Citation): Swimming Pool and Bathing Beach Code, 77 Ill. Adm. Code 820.

1) Rulemaking:

- A) Description: Provides that depth and no diving markers will not be required at the zero depth level. Adds provisions concerning starting platforms, decks, railings, chemical feeders, carpet, heat exchangers, and surge weirs. Changes lifeguard requirement from one for 200 bathers to one for 100 bathers or 2000 square feet of surface area, whichever is fewer. Revises lifeguard viewing area, pool closing, and water sample requirements.

- B) Statutory Authority: Swimming Pool and Bathing Beach Act, 210 ILCS 125.

- C) Scheduled meeting/hearing dates: State Board of Health, December 1999. The Department will schedule other meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: January 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on small businesses, not-for-profit corporations, or small

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2000 REGULATORY AGENDA

municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.w) Part(s) (Heading and Code Citation): Manufactured Housing and Mobile Structures, 77 Ill. Adm. Code 880.1) Rulemaking:A) Description: The proposed amendments adopt current industry standards and establish requirements for inspection, at the factory, of every mobile home and manufactured housing unit produced in Illinois. Criteria for third party inspection agencies will be created.B) Statutory Authority: Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115).C) Scheduled meeting/hearing dates: The Department will notify all state dealers and manufacturers of mobile homes regarding the proposed revisions, as required in Section 9 of the Manufactured Housing and Mobile Home Safety Act.D) Date Agency anticipates First Notice: The amendments will be proposed after review by the State Board of Health at its March 2000 meeting.E) Effect on small businesses, small municipalities, and not-for-profit corporations: The proposed rulemaking will require manufacturers to have each unit inspected by an independent inspection agency.F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 West Jefferson, Fifth Floor Springfield, Illinois 62761
Telephone: (217) 782-2043

G) Related rulemakings and other pertinent information: No other

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related rulemakings or pertinent information is available at this time.

x) Part(s) (Heading and Code Citation): Manufactured Home Installation Accredited Courses Code, 77 Ill. Adm. Code 885.1) Rulemaking:A) Description: Proposes rules to implement the Illinois Manufactured Home Installers Act, 430 ILCS 120, that requires the Department to work with interested parties to publish manufactured home guidelines. Includes the national standards applicable to persons who install these homes.B) Statutory Authority: Illinois Manufactured Home Installers Act, 430 ILCS 120.C) Scheduled meeting/hearing dates: State Board of Health, December 1999. The Department will schedule other meetings if requested or needed during first-notice period.D) Date agency anticipates First Notice: January 2000.E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on small businesses, not-for-profit corporations, or small municipalities.F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.y) Part(s) (Heading and Code Citation): Illinois Plumbing Code, 77 Ill. Adm. Code 890.1) Rulemaking:A) Description: Amendments will clarify definitions to correspond with model plumbing codes and terms currently used in industry; redefine plumbing codes and terms currently used in industry; redefine separation of potable water service lines and sewers/drains; list types of acceptable cross-connections; make

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allowances for plumbing fixtures in historic buildings that donot meet code requirements; list new acceptable applications for cast iron pipe; list requirements for securing floor outlets and wall hung fixtures; and list prohibited fixtures.

B) Statutory Authority: Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice period if requested or deemed necessary by the Department.

D) Date Agency anticipates First Notice: June 2000.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: These rules may have an impact on small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 West Jefferson, Fifth Floor Springfield, Illinois 62761
Telephone: (217)782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or pertinent information is available at this time.

2) Part(s) (Heading and Code Citation): Breast and Cervical Cancer Research Fund Rules, 77 Ill. Adm. Code 970.

1) Rulemaking:

A) Description: Implements the provisions of P.A. 91-0107 renaming the Fund after Penny Severns and adding the Susan G. Komen Foundation to the advisory committee.

B) Statutory Authority: Civil Administrative Code of Illinois, 20 ILCS 2310/55.70.

C) Scheduled meeting/hearing dates: December 1999 advisory committee meeting. The Department will schedule other meetings if requested or needed during first-notice period.

D) Date agency anticipates First Notice: January 2000.

E) Effect on small businesses, small municipalities, or

DEPARTMENT OF PUBLIC HEALTH

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not-for-profit corporations: The rulemaking may not have an impact on small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Name: Paul Thompson
Address: Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
Telephone: 217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

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- a) Part(s) (Heading and Code Citation): Diesel Emission Inspections; 92 Ill. Adm. Code 460

1) Rulemaking:

A) Description: This new Part will establish procedures to implement a diesel powered vehicle emission inspection program as authorized by P.A. 91-254, effective July 1, 2000.

B) Statutory Authority: Section 13-109.1 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.)

C) Scheduled meeting/hearing date: None Scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses that own or operate applicable diesel powered vehicles registered for a gross weight of more than 16,000 pounds, that are registered within an affected area as defined in P.A. 91-254, and that are 2 years or older model years will be affected by this rulemaking.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Safety Fitness Procedures for Motor Carriers; 92 Ill. Adm. Code 385

1) Rulemaking:

A) Description: This new Part will establish safety rating procedures for interstate carriers as authorized by P.A. 91-179, effective January 1, 2000.

B) Statutory Authority: [625 ILCS 5/18b-105] (See P.A. 91-179, effective January 1, 2000.)

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- C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not for profit corporations: Repeated unsatisfactory ratings could result in the temporary shut down of a business.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Type II School Buses; 92 Ill. Adm. Code 442

1) Rulemaking:

A) Description: New provisions will be added to this Part pursuant to P.A. 91-168, effective January 1, 2000 that require strobe lights and reflective tape on school buses.

B) Statutory Authority: [625 ILCS 5/Ch. 12, Article VIII] (See P.A. 91-168, effective January 1, 2000.)

C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses that own or operate school buses will be required to comply with P.A. 91-168.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

DEPARTMENT OF TRANSPORTATION

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- G) Related rulemakings and other pertinent information: 92 Ill. Adm. Code 440; Minimum Safety Standards for Construction of Type I School Buses

- d) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Type I School Buses; 92 Ill. Adm. Code 440

1) Rulemaking:

- A) Description: New provisions will be added to this Part pursuant to P.A. 91-168, effective January 1, 2000 that require strobe lights and reflective tape on school buses.

- B) Statutory Authority: [625 ILCS 5/Ch. 12, Article VIII] (See P.A. 91-168, effective January 1, 2000.)

- C) Scheduled meeting/hearing date: None scheduled.

- D) Date agency anticipates First Notice: Within six months.

- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses that own or operate school buses will be required to comply with P.A. 91-168.

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Address: 2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: 92 Ill. Adm. Code 442; Minimum Safety Standards for Construction of Type II School Buses

- e) Part(s) (Heading and Code Citation): Control of Junkyards and Scrap Processing Facilities in Areas Adjacent to the Federal-Aid Interstate and Federal-Aid Primary Systems of Highways in Illinois; 92 Ill. Adm. Code 520

1) Rulemaking:

- A) Description: Minor changes will be made to drop references to the Federal Aid Primary System and replace them with references to that part of the National Highway System that is on the Interstate System. The Part will apply to

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- junkyards on the Interstate System only.

- B) Statutory Authority: 415 ILCS 95

- C) Scheduled meeting/hearing date: None scheduled.

- D) Date agency anticipates First Notice: Within six months.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will clarify that only junkyards adjacent to an Interstate highway will be regulated by this Part.

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Address: 2300 South Dirksen Parkway
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Telephone: (217) 782-3215

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Prequalification of Contractors and Issuance of Plans and Proposals; 44 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: This rulemaking will tighten standards used to prequalify bidders.

- B) Statutory Authority: [30 ILCS 500/5-25 and 500/20-45] and [605 ILCS 5/4-103 and 5/4-201.1]

- C) Scheduled meeting/hearing date: None scheduled.

- D) Date agency anticipates First Notice: Within six months.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking does not impact small businesses differently than any other business seeking prequalified status with the Department.

- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2000 REGULATORY AGENDA

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Address: 2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Mailbox Turnouts; 92 Ill. Adm. Code 532

1) Rulemaking:

A) Description: The Department will repeal this Part and promulgate a new Part on mailboxes on State highways.

B) Statutory Authority: (Ill. Rev. Stat., ch. 121, par. 4-207)

C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not for profit corporations: None. New rules regulating the location and placement of boxes will replace this repealer.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Address: 2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

G) Related rulemakings and other pertinent information: See below.

h) Part(s) (Heading and Code Citation): Location and Maintenance of Mailboxes on State Highways; 92 Ill. Adm. Code 532

1) Rulemaking:

A) Description: This new Part will implement Section 4-207 of the Illinois Highway Code [605 ILCS 5/4-207] that provides for the establishment of specifications for the location or

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place of erection and maintenance of boxes for the receipt of U.S. mail on State highways.

B) Statutory Authority: [605 ILCS 5/4-207]

C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses will not be impacted any differently than any other business whose mailbox is located on a State highway.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Address: 2300 South Dirksen Parkway
Springfield, IL 62764
Telephone: (217) 782-3215

G) Related rulemakings and other pertinent information: Repealed rules on Mailbox Turnouts; 92 Ill. Adm. Code 532.

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